Reference

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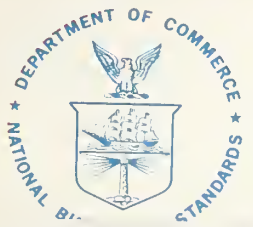

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NBS HANDBOOK 130
1983

MODEL STATE LAWS AND REGULATIONS

Weights and Measures Law
Weighmaster Law
Packaging and Labeling Regulation
Method of Sale of Commodities Regulation
Unit Pricing Regulation
Registration of Servicepersons and Agencies Regulation
Open Dating Regulation

as adopted by the 67th National Conference on Weights and Measures 1982

QC
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No.130
1933

U.S. DEPARTMENT OF COMMERCE / National Bureau of Standards

NATIONAL BUREAU OF STANDARDS

The National Bureau of Standards[1] was established by an act of Congress on March 3, 1901. The Bureau's overall goal is to strengthen and advance the Nation's science and technology and facilitate their effective application for public benefit. To this end, the Bureau conducts research and provides: (1) a basis for the Nation's physical measurement system, (2) scientific and technological services for industry and government, (3) a technical basis for equity in trade, and (4) technical services to promote public safety. The Bureau's technical work is performed by the National Measurement Laboratory, the National Engineering Laboratory, and the Institute for Computer Sciences and Technology.

THE NATIONAL MEASUREMENT LABORATORY provides the national system of physical and chemical and materials measurement; coordinates the system with measurement systems of other nations and furnishes essential services leading to accurate and uniform physical and chemical measurement throughout the Nation's scientific community, industry, and commerce; conducts materials research leading to improved methods of measurement, standards, and data on the properties of materials needed by industry, commerce, educational institutions, and Government; provides advisory and research services to other Government agencies; develops, produces, and distributes Standard Reference Materials; and provides calibration services. The Laboratory consists of the following centers:

Absolute Physical Quantities[2] — Radiation Research — Chemical Physics — Analytical Chemistry — Materials Science

THE NATIONAL ENGINEERING LABORATORY provides technology and technical services to the public and private sectors to address national needs and to solve national problems; conducts research in engineering and applied science in support of these efforts; builds and maintains competence in the necessary disciplines required to carry out this research and technical service; develops engineering data and measurement capabilities; provides engineering measurement traceability services; develops test methods and proposes engineering standards and code changes; develops and proposes new engineering practices; and develops and improves mechanisms to transfer results of its research to the ultimate user. The Laboratory consists of the following centers:

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Programming Science and Technology — Computer Systems Engineering.

[1]Headquarters and Laboratories at Gaithersburg, MD, unless otherwise noted; mailing address Washington, DC 20234.
[2]Some divisions within the center are located at Boulder, CO 80303.

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NBS HANDBOOK 130
1983

(Superseding Handbook 130 - 1982 Edition.)

ADOPTED BY THE 67th
NATIONAL CONFERENCE ON WEIGHTS AND MEASURES
1982

U.S. DEPARTMENT OF COMMERCE, Malcolm Baldrige, Secretary

NATIONAL BUREAU OF STANDARDS, Ernest Ambler, Director

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FOREWORD

This handbook compiles the latest Model State Laws and Regulations adopted by the National Conference on Weights and Measures (NCWM). The compilation itself was approved by the NCWM in 1979, and this edition includes amendments adopted at the annual meeting in 1982. The Conference recommends adoption and promulgation by the States of these Model State Laws and Regulations as updated in this handbook.

ERNEST AMBLER
Director
National Bureau of Standards

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In accord with NBS policy, the meter/liter spellings are used in this document. However, the metre/litre spellings are acceptable, and are preferred by the National Conference on Weights and Measures.

The following table lists those laws and regulations and pages in which amendments were made by the 64th National Conference on Weights and Measures. Each law or regulation, section, or paragraph that has been changed will be noted as "Added 1979" or "Amended 1979."

Law or Regulation	Section or Paragraph Number and Subject	Page
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	3.4.1. Railroad Car Tare Weights, Metric (Amended)	IV-53
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1980 AMENDMENTS

The following table lists those laws and regulations and pages in which amendments were made by the 65th National Conference on Weights and Measures. Each law or regulation, section, or paragraph that has been changed will be noted as "Added 1980" or "Amended 1980."

Law or Regulation	Section or Paragraph Number and Subject	Page
Model State Packaging and Labeling Regulation	6.6.1. Consumer Package Quantities, Metric Symbols (Amended)	IV-13
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Guidelines and Interpretations	See Page V-1	V-1

1981 AMENDMENTS

The following table lists those laws and regulations and pages in which amendments were made by the 66th National Conference on Weights and Measures. Each law or regulation, section, or paragraph that has been changed will be noted as "Added 1981" or "Amended 1981."

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1982 AMENDMENTS

The following table lists those laws and regulations and pages in which amendments were made by the 67th National Conference on Weights and Measures. Each law or regulation, section, or paragraph that has been changed will be noted as "Added 1982" or "Amended 1982."

Law or Regulation	Section or Paragraph Number and Subject	Page
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	8.2.1. Minimum Height of Numbers and Letters (Amended)	IV-20
	13.1.(a) "Cents-off" Representations (Amended)	IV-31
Model State Regulation for the Method of Sale of Commodities	1. Food Products (Footnote added)	IV-41
	1.3. Butter, Oleomargarine, and Margarine (Footnote added)	IV-41
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	1.7.(b) Other Milk Products, Metric Volumes (Deleted)	IV-42
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	2.12. Polyethylene Products (Amended)	IV-49
	2.16. Precious Metals (Added)	IV-51

I. INTRODUCTION

A. SOURCE.- The Model Laws and Regulations and included technical guidance published herein comprise, in this compiled form, all of the current models as adopted by the National Conference on Weights and Measures.[1]

The Conference Committee on Laws and Regulations[2], acting at the request of the Conference or upon its own initiative, prepares, with the technical assistance of the National Bureau of Standards, proposed amendments or additions to the material previously adopted by the Conference. Such amendments or additions are then presented to the Conference as a whole, where they are discussed by weights and measures officials and representatives of interested manufacturers, industries, consumer groups, and others. Eventually the proposals of the Committee, which may have been amended on the floor, are voted upon by the weights and measures officials. Following the new voting procedures adopted by the NCWM in 1978, a national consensus is required on all issues adopted by the Conference. No law or regulation is adopted without at least a majority of the States' representatives and of other voting delegates favoring such adoption.

All of the Model Laws and Regulations given herein are recommended by the National Conference on Weights and Measures for use by States when considering the adoption of laws and regulations in the areas covered. A similar recommendation is made with regard to the local jurisdictions within a State in the absence of the promulgation of such laws and regulations at the State level.

B. PURPOSE.- The purpose of these Model Laws and Regulations is to achieve to the maximum extent possible uniformity in weights and measures laws and regulations among the various States and local jurisdictions in order to facilitate trade between the States and provide uniform and sufficient protection to all consumers in weights and measures issues.

C. AMENDMENTS TO THE MODELS.- The Committee on Laws and Regulations of the National Conference on Weights and Measures provides the mechanism for consideration of amendments or additions to the Model Laws and Regulations. Recommendations for such changes should be directed to the Committee on Laws and Regulations, National Conference on Weights and Measures, National Bureau of Standards, Washington, DC 20234 (with a copy to the Executive Secretary at the same address).

---

[1]The National Conference on Weights and Measures is a body made up of State and local weights and measures officials from all parts of the United States which normally meets annually under the sponsorship of the National Bureau of Standards.

[2]A standing committee of the National Conference. Communications to the Committee may be addressed as follows:

Committee on Laws and Regulations
National Conference on Weights and Measures
National Bureau of Standards
Washington, DC 20234

- Proposals to be considered by the Committee for action during the upcoming Conference shall be presented in writing to the Committee 60 days prior to the interim meetings (usually the third week of January of each year).

- Proposals should contain a concise statement of the problem and clearly outline the purpose and national need for its consideration.

- Proposals should include the submission of adequate background material including test data, analysis of test data, or other appropriately researched and documented material from which a committee will be able to make a suitable judgment for either a firm recommendation or to consider the need for further study. When possible, solutions to problems shall be proposed and stated in specific language in amendment form to Conference documents.

- Weights and measures officials are encouraged to utilize their regional associations for initial exploration of issues and to use the resources of all member States within that regional association to assist in the development of well documented proposals where applicable.

- If a proposal involves a new area of weights and measures activity, it would be appropriate to make recommendations for both regulations and test methods to provide for proper enforcement.

Additionally, when a proposal that would modify or add to an existing publication (such as NBS Handbook 130) is presented to the Committee, the proposal should:

- Identify the pertinent portion, section, and paragraph of the existing publication (e.g., Model State Method of Sale of Commodities Regulation, Section 8.2., paragraph (b)).

- Where applicable, provide evidence of consistency with other portions of NCWM publications (such as with other model State laws and regulations).

- Where applicable, provide evidence of consistency with Federal laws and regulations (such as with FDA or FTC regulations).

D. REVISIONS TO THE HANDBOOK.- This Handbook will be reissued annually following the annual meeting of the National Conference on Weights and Measures and will reflect changes approved by the Conference at that meeting. Each Model will be reprinted in full each year, even if it is not changed that year, to clearly indicate that the Model is the <u>current</u> version of that Model Law or Regulation.

II. UNIFORMITY OF LAWS AND REGULATIONS

1. NATIONAL CONFERENCE GOAL

The goal of the National Conference on Weights and Measures with respect to these Model Laws and Regulations is to achieve their acceptance in all States and local jurisdictions that have authority over such matters. The Conference stands ready to assist any jurisdiction in any way possible in securing the adoption of any of these Models.

2. STATUS OF PROMULGATION

Listed below, by State, is current information regarding the adoption of the Model Laws and Regulations. Adoption is indicated if the State has adopted the Model in total or in part or if it has used the Model as guidance in developing a similar law or regulation.

SUMMARY OF STATE LAWS AND REGULATIONS FOR WEIGHTS AND MEASURES

STATE	MODEL LAWS AND REGULATIONS ADOPTED						
	WEIGHTS AND MEASURES LAW	WEIGHTMASTER LAW	PACKAGING & ‡ LABELING REG.	METHOD OF ‡ SALE REG.	UNIT PRICING REG.	REGISTRATION ‡ REG.	OPEN DATING REG.
ALABAMA	YES	*yes*	YES	*yes*	YES	*yes*	*yes*
ALASKA	YES	NO	YES	*yes*	NO	NO	NO
ARIZONA	YES	YES	YES	*yes*	NO	*yes*	YES
ARKANSAS	YES	NO	YES	*yes*	NO	YES	NO
CALIFORNIA	YES	*yes*	YES	*yes*	NO	*yes*	NO
COLORADO	*yes*	*yes*	YES	*yes*	NO	*yes*	NO
CONNECTICUT	*yes*	YES	YES	*no*	*yes**	*yes**	*yes**
DELAWARE	YES	YES	YES	*yes*	NO	NO	NO
DISTRICT OF COLUMBIA	YES	YES	*yes*	*yes*	NO	NO	NO
FLORIDA	YES	NO	YES	*no*	*yes**	YES	*yes**
GEORGIA	*yes*	*yes**	YES	*yes*	NO	*yes*	*yes**
HAWAII	YES	YES	YES	YES	YES	YES	YES
IDAHO	YES	YES	YES	*yes*	NO	YES	NO
ILLINOIS	YES	NO	YES	*yes*	NO	*yes*	NO
INDIANA	*yes*	*yes*	*yes*	*yes*	NO	NO	NO
IOWA	YES	*yes**	YES	NO	NO	*yes**	NO
KANSAS	*yes*	NO	*yes*	*yes*	NO	*yes*	NO
KENTUCKY	YES	NO	YES	*yes*	*yes**	YES	*yes**
LOUISIANA	*yes*	*yes*	*yes*	*yes*	NO	NO	NO
MAINE	YES	YES	YES	YES	NO	*yes*	NO

KEY:

YES - Model fully adopted
yes - Model adopted in part, modified, or used as a guideline
*yes** - Law or regulation in force, but model was not considered
no - No law or regulation on this subject, however model is used as guideline
NO - No law or regulation on this subject

‡Report on status of adoption based on a paragraph-by-paragraph comparison of State laws and regulations (wherever available) with the model in 1982. All other summaries are based on telephone responses.

SUMMARY OF STATE LAWS AND REGULATIONS FOR WEIGHTS AND MEASURES

STATE	MODEL LAWS AND REGULATIONS ADOPTED						
	WEIGHTS AND MEASURES LAW	WEIGHTMASTER LAW	PACKAGING & LABELING REG.	METHOD OF SALE REG.	UNIT PRICING REG.	REGISTRATION REG.	OPEN DATING REG.
MARYLAND	YES	NO	YES	yes	yes*	NO	yes*
MASSACHUSETTS	yes*	NO	YES	yes	yes*	NO	NO
MICHIGAN	yes*	YES	YES	yes	yes*	NO	YES
MINNESOTA	yes*	NO	YES	yes*	NO	YES	yes*
MISSISSIPPI	YES	yes	yes	yes	yes	yes	NO
MISSOURI	yes	NO	YES	yes	NO	YES	NO
MONTANA	YES	NO	YES	yes	NO	YES	NO
NEBRASKA	YES	NO	no	no	no	YES	NO
NEVADA	YES	YES	yes	yes	NO	yes	NO
NEW HAMPSHIRE	YES	YES	YES	YES	YES	YES	YES
NEW JERSEY	yes	YES	YES	YES	yes*	yes*	yes*
NEW MEXICO	YES	YES	NO	yes	NO	yes	yes*
NEW YORK	yes	yes	yes	yes	yes*	NO	NO
NORTH CAROLINA	YES	YES	YES	YES	NO	yes	yes*
NORTH DAKOTA	YES	YES	NO	yes*	NO	yes	NO
OHIO	YES	NO	YES	yes	NO	NO	NO
OKLAHOMA	YES	NO	YES	NO	NO	yes	NO
OREGON	YES	NO	YES	yes	yes*	NO	yes*
PENNSYLVANIA	YES	yes*	YES	yes	NO	NO	YES
PUERTO RICO	yes	YES	yes	yes	yes*	yes	NO

SUMMARY OF STATE LAWS AND REGULATIONS FOR WEIGHTS AND MEASURES

STATE	MODEL LAWS AND REGULATIONS ADOPTED						
	WEIGHTS AND MEASURES LAW	WEIGHTMASTER LAW	PACKAGING & LABELING REG.	METHOD OF SALE REG.	UNIT PRICING REG.	REGISTRATION REG.	OPEN DATING REG.
RHODE ISLAND	YES	NO	*yes*	*yes*	yes*	NO	NO
SOUTH CAROLINA	YES	YES	YES	*yes*	NO	YES	NO
SOUTH DAKOTA	YES	NO	NO	NO	NO	YES	NO
TENNESSEE	YES	YES	YES	*yes*	*no*	YES	*no*
TEXAS	YES	yes*	*yes*	*yes*	NO	*yes*	NO
UTAH	YES	NO	YES	YES	NO	YES	NO
VERMONT	YES	*yes*	YES	YES	yes*	*yes*	NO
VIRGNIA	YES	YES	YES	*yes*	NO	NO	yes*
VIRGIN ISLANDS	YES	NO	NO	NO	NO	NO	NO
WASHINGTON	*yes*	*yes*	YES	*yes*	NO	NO	*yes*
WEST VIRGINIA	YES	NO	YES	*yes*	*no*	NO	*no*
WISCONSIN	*yes*	NO	YES	*yes*	NO	*no*	NO
WYOMING	yes*	NO	*no*	NO	NO	*yes*	NO

SUMMARY: 53 TOTAL (STATES, D.C. PUERTO RICO, VIRGIN ISLANDS)

YES	37	18	37	7	3	14	5
yes	12	9	10	36	1	18	2
yes*	4	4	0	2	12	3	11
no	0	0	2	3	3	1	2
NO	0	22	4	5	34	17	33

III. MODEL STATE LAWS

A. Model State Weights and Measures Law III-3
B. Model State Weighmaster Law III-13

MODEL STATE WEIGHTS AND MEASURES LAW
1971

as adopted by
The National Conference on Weights and Measures

1. BACKGROUND

Recognition of the need for uniformity in weights and measures laws and regulations among the States was first noted at the second National Conference on Weights and Measures in April 1906. In the following year, basic outlines of a Model State Weights and Measures Law were developed. The first Model Law, as such, was formally adopted by the Conference in 1911.

Through the years, almost without exception, each State has relied upon the Model Law at the time it first enacted comprehensive weights and measures legislation. This has led to a great degree of uniformity in the basic weights and measures requirements throughout the country.

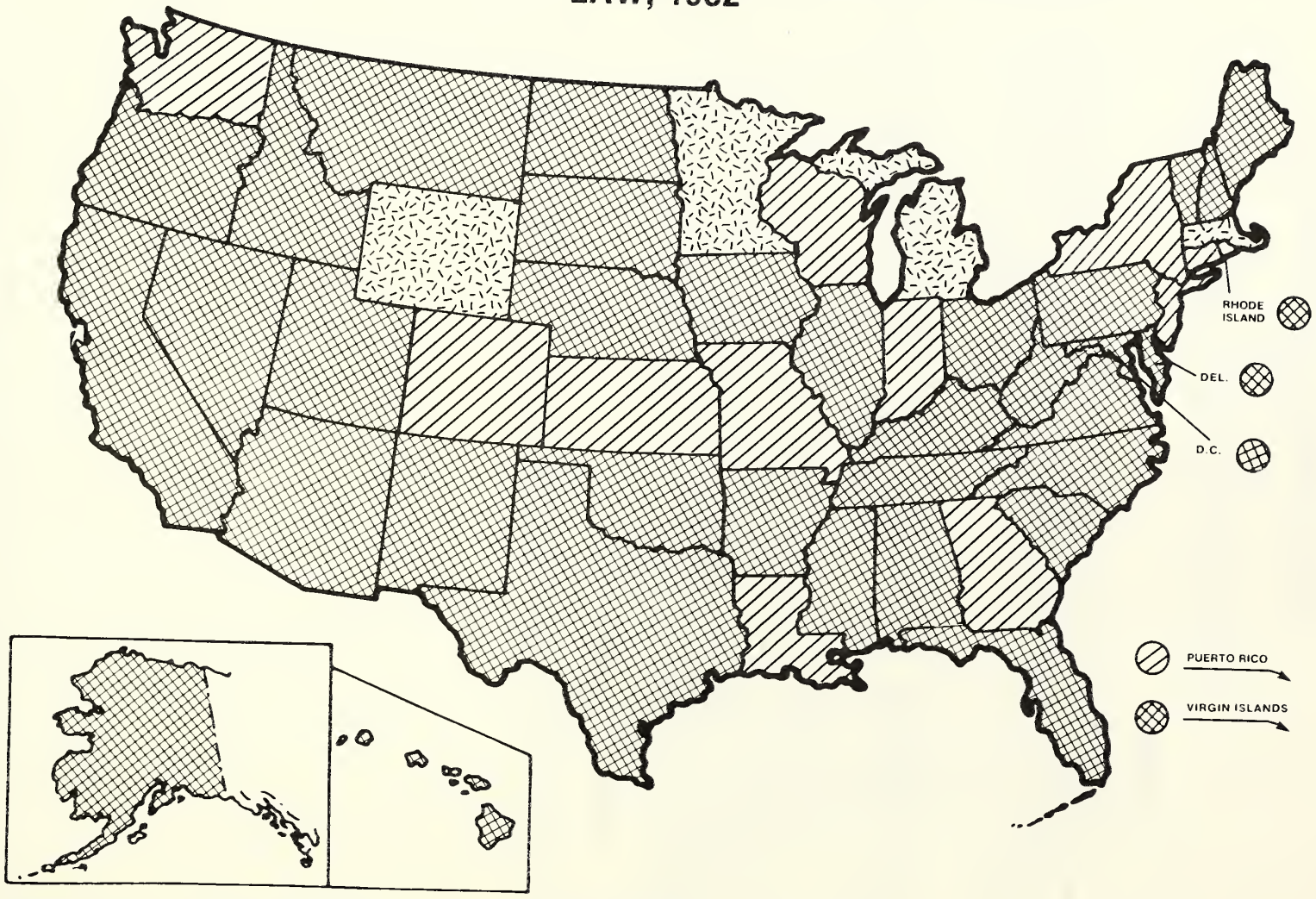
The original Model was regularly amended to provide for new developments in commercial practices and technology. Necessarily, this resulted in a lengthy and cumbersome document and in the need for a simplification of the basic weights and measures provisions. The 1971 National Conference on Weights and Measures adopted a thoroughly revised, simplified, modernized version of the Model State Weights and Measures Law. The Model now can serve as a framework for all the many concerns in weights and measures administration and enforcement.

2. STATUS OF PROMULGATION

The map on the following page shows the status of promulgation of the Model State Weights and Measures Law.

The National Conference on Weights and Measures is sponsored by the National Bureau of Standards in partial implementation of its statutory responsibility for "cooperation with the States in securing uniformity in weights and measures laws and methods of inspection."

STATUS OF STATE ADOPTION OF WEIGHTS & MEASURES LAW, 1982



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MODEL STATE WEIGHTS AND MEASURES LAW
1971

SECTION 1. DEFINITIONS. -- When used in this Act:

1.1. WEIGHTS(S) AND (OR) MEASURE(S). -- The term "weight(s) and (or) measure(s)" means all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices.

1.2. WEIGHT. -- The term "weight" as used in connection with any commodity means net weight; except where the label declares that the product is sold by drained weight, the term means net drained weight.
[Amended 1974]

1.3. CORRECT. -- The term "correct" as used in connection with weights and measures means conformance to all applicable requirements of this Act.

1.4. PRIMARY STANDARDS. -- The term "primary standards" means the physical standards of the State which serve as the legal reference from which all other standards and weights and measures are derived.

1.5. SECONDARY STANDARDS. -- The term "secondary standards" means the physical standards which are traceable to the primary standards through comparisons, using acceptable laboratory procedures, and used in the enforcement of weights and measures laws and regulations.

1.6. DIRECTOR. -- The term "director" means the _____ of the Department of _____.

1.7. PERSON. -- The term "person" means both plural and the singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies, and associations.

1.8. SALE FROM BULK. -- The term "sale from bulk" means the sale of commodities when the quantity is determined at the time of sale.

1.9. PACKAGE. -- The term "package" means any commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale.

SECTION 2. SYSTEMS OF WEIGHTS AND MEASURES

The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and either one or both of these systems shall be used for all commercial purposes in the State. The definitions of basic units of weight and measure, the tables of weight and measure, and weights and measures equivalents as published by the National Bureau of Standards are recognized and shall govern weighing and measuring equipment and transactions in the State.

SECTION 3. PHYSICAL STANDARDS

Weights and measures that are traceable to the U.S. prototype standards supplied by the Federal Government, or approved as being satisfactory by the National Bureau of Standards, shall be the State primary standards of weights and measures, and shall be maintained in such calibration as prescribed by the National Bureau of Standards. All secondary standards may be prescribed by the director and shall be verified upon their initial receipt, and as often thereafter as deemed necessary by the director.

SECTION 4. TECHNICAL REQUIREMENTS FOR WEIGHING AND MEASURING DEVICES

The specifications, tolerances, and other technical requirements for commercial, law enforcement, data gathering, and other weighing and measuring devices as adopted by the National Conference on Weights and Measures and published in National Bureau of Standards Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices," and supplements thereto or revisions thereof, shall apply to weighing and measuring devices in the State, except insofar as modified or rejected by regulation.
[Amended 1975]

SECTION 5. STATES WEIGHTS AND MEASURES DIVISION

There shall be a State Division of Weights and Measures located for administrative purposes within the Department of (agency, etc.). The Division is charged with, but not limited to, performing the following functions on behalf of the citizens of the State:

5.1. Assuring that weights and measures in commercial service within the State are suitable for their intended use, properly installed, accurate, and are so maintained by their owner or user.

5.2. Preventing unfair or deceptive dealing by weight or measure in any commodity or service advertised, packaged, sold, or purchased within this State.

5.3. Making available to all users of physical standards or weighing and measuring equipment the precision calibration and related metrological certification capabilities of the weights and measures facilities of the Division.

5.4. Promoting uniformity, to the extent such conformance is practicable and desirable, between weights and measures requirements of this State and those of other States and Federal agencies.

5.5. Encouraging desirable economic growth while protecting the consumer through the adoption by rule of weights and measures requirements as necessary to assure equity among buyers and sellers.
[Added 1976]

SECTION 6. POWERS AND DUTIES OF THE DIRECTOR

The director shall:

6.1. Maintain traceability of the State standards to the national standards in the possession of the National Bureau of Standards.

6.2 Enforce the provisions of this Act.

6.3. Issue reasonable regulations for the enforcement of this Act, which regulations shall have the force and effect of law.

6.4. Establish labeling requirements, establish requirements for the presentation of cost-per-unit information, establish standards of weight, measure, or count, and reasonable standards of fill for any packaged commodity; and may establish requirements for open dating information.
[Added 1973]

6.5. Grant any exemptions from the provisions of this Act or any regulations promulgated pursuant thereto when appropriate to the maintenance of good commercial practices within the State.

6.6. Conduct investigations to ensure compliance with this Act.

6.7. Delegate to appropriate personnel any of these responsibilities for the proper administration of this office.

6.8. Test annually the standards of weight and measure used by any city or county within the State, and approve the same when found to be correct.

6.9. Inspect and test weights and measures kept, offered, or exposed for sale.

6.10. Inspect and test to ascertain if they are correct, weights and measures commercially sued:

(a) in determining the weight, measure, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure, or count, or,

(b) in computing the basic charge or payment for services rendered on the basis of weight, measure, or count.

6.11. Test all weights and measures used in checking the receipt or disbursement of supplies in every institution, for the maintenance of which funds are appropriated by the legislature of the State.

6.12. Approve for use, and may mark, such weights and measures as he finds to be correct, and shall reject and mark as rejected such weights and measures as he finds to be incorrect. Weights and measures that have been rejected may be seized if not corrected within the time specified or if used or disposed of in a manner not specifically authorized. The director shall condemn and may seize the weights and measures found to be incorrect that are not capable of being made correct.

6.13. Weigh, measure, or inspect packaged commodities kept, offered, or exposed for sale, sold, or in the process of delivery, to determine whether they contain the amounts represented and whether they are kept, offered, or exposed for sale in accordance with this Act or regulations promulgated pursuant thereto. In carrying out the provisions of this section, the director shall employ recognized sampling procedures, such as are designated in National Bureau of Standards Handbook 67, "Checking Prepackaged Commodities."

6.14. Prescribe, by regulation, the appropriate term or unit of weight or measure to be used, whenever he determines in the case of a specific commodity that an existing practice of declaring the quantity by weight, measure, numerical count, or combination thereof, does not facilitate value comparisons by consumers, or offers an opportunity for consumer confusion.

6.15. Allow reasonable variations from the stated quantity of contents, which shall include those caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice only after the commodity has entered intra-state commerce.

SECTION 7. SPECIAL POLICE POWERS

When necessary for the enforcement of this Act or regulations promulgated pursuant thereto, the director is:

7.1. Authorized to enter any commercial premises during normal business hours, except that in the event such premises are not open to the public, he shall first present his credentials and obtain consent before making entry thereto, unless a search warrant has previously been obtained.

7.2. Empowered to issue stop-use, hold, and removal orders with respect to any weights and measures commercially used, and stop-sale, hold, and removal orders with respect to any packaged commodities or bulk commodities kept, offered, or exposed for sale.

7.3. Empowered to seize, for use as evidence, without formal warrant, any incorrect or unapproved weight, measure, package, or commodity found to be used, retained, offered, or exposed for sale or sold in violation of the provisions of this Act or regulations promulgated pursuant thereto.

7.4. Empowered to stop any commercial vehicle and, after presentment of his credentials, inspect the contents, require that the person in charge of that vehicle produce any documents in his possession concerning the contents, and require him to proceed with the vehicle to some specified place for inspection.

7.5. With respect to the enforcement of this Act, the director is hereby vested with special police powers, and is authorized to arrest, without formal warrant, any violator of this Act.

SECTION 8. POWERS AND DUTIES OF LOCAL OFFICIALS

Any weights and measures official appointed for a county or city shall have the duties enumerated in Sections 6.9. through 6.13. and the powers enumerated in Section 7. of this Act. These powers and duties shall extend to their respective jurisdictions, except that the jurisdiction of a county official shall not extend to any city for which a weights and measures official has been appointed.

SECTION 9. MISREPRESENTATION OF QUANTITY

No person shall sell, offer, or expose for sale less than the quantity he represents, nor take any more than the quantity he represents when as buyer he furnishes the weight or measure by means of which the quantity is determined.
[Amended 1975]

SECTION 10. MISREPRESENTATION OF PRICING

No person shall misrepresent the price of any commodity or service sold, offered, exposed, or advertised for sale by weight, measure, or count, nor represent the price in any manner calculated or tending to mislead or in any way deceive a person.

SECTION 11. METHOD OF SALE

Except as otherwise provided by the director, commodities in liquid form shall be sold by liquid measure or by weight, and commodities not in liquid form shall be sold only by weight, or by measure, or by count, so long as the method of sale provides accurate quantity information.

SECTION 12. SALE FROM BULK

Whenever the quantity is determined by the seller, bulk sales in excess of twenty dollars ($20) and all bulk deliveries of heating fuel shall be accompanied by a delivery ticket containing the following information:

(a) The name and address of the vendor and purchaser.

(b) The date delivered.

(c) The quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity.

(d) The identity in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale.

(e) The count of individually wrapped packages, if more than one.

SECTION 13. INFORMATION REQUIRED ON PACKAGES

Except as otherwise provided in this Act or by regulations promulgated pursuant thereto, any package kept for the purpose of sale or offered or exposed for sale shall bear on the outside of the package a definite, plain, and conspicuous declaration of:

(a) The identity of the commodity in the package, unless the same can easily be identified through the wrapper or container.

(b) The quantity of contents in terms of weight, measure, or count.

(c) The name and place of business of the manufacturer, packer, or distributor, in the case of any package kept, offered, or exposed for sale, or sold in any place other than on the premises where packed.

SECTION 14. DECLARATIONS OF UNIT PRICE ON RANDOM WEIGHT PACKAGES

In addition to the declarations required by Section 13. of this Act, any package being one of a lot containing random weights of the same commodity and bearing the total selling price of the package shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight.

SECTION 15. ADVERTISING PACKAGES FOR SALE

Whenever a packaged commodity is advertised in any manner with the retail price stated, there shall be closely and conspicuously associated with the retail price a declaration of quantity as is required by law or regulation to appear on the package. Where a dual declaration is required, only the declaration that sets forth the quantity in terms of the smaller unit of weight or measure need appear in the advertisement.

SECTION 16. OFFENSES AND PENALTIES

Any person who violates the following enumerated provisions or any provision of this Act or regulations promulgated pursuant thereto, for which a specific penalty has not been prescribed, shall be guilty of a misdemeanor, and upon a first conviction thereof shall be punished by a fine of not less than $50 or more than $500, or by imprisonment for not more than three months, or both. Upon a subsequent conviction thereof, he shall be punished by a fine of not less than $100 or more than $1,000 or by imprisonment for up to one year, or both. No person shall:

(a) Use or have in possession for use in commerce any incorrect weight or measure.

(b) Remove any tag, seal, or mark from any weight or measure without specific written authorization from the proper authority.

(c) Hinder or obstruct any weights and measures official in the performance of his duties.

SECTION 17. INJUNCTION

The director is authorized to apply to any court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any provision of this Act.

SECTION 18. PRESUMPTIVE EVIDENCE

Whenever there shall exist a weight or measure or weighing or measuring device in or about any place in which or from which buying or selling is commonly carried on, there shall be a rebuttable presumption that such weight or measure or weighing or measuring device is regularly used for the business purposes of that place.

SECTION 19. SEPARABILITY PROVISION

If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

SECTION 20. REPEAL OF CONFLICTING LAWS

All laws and parts of laws contrary to or inconsistent with the provisions of this Act are repealed except as to offenses committed, liabilities incurred, and claims made thereunder prior to the effective date of this Act.

SECTION 21. REGULATIONS TO BE UNAFFECTED BY REPEAL OF PRIOR ENABLING STATUTE

The adoption of this Act or any of its provisions shall not affect any regulations promulgated pursuant to the authority of any earlier enabling statute unless inconsistent with this Act or modified or revoked by the director.

SECTION 22. EFFECTIVE DATE

This Act shall become effective on _____.

MODEL STATE WEIGHMASTER LAW
1965

as adopted by
The National Conference on Weights and Measures

1. BACKGROUND

The Model Weighmaster Law was first proposed by the 35th National Conference on Weights and Measures in 1950. In the following year, it was formally adopted by the National Conference and recommended to the States.

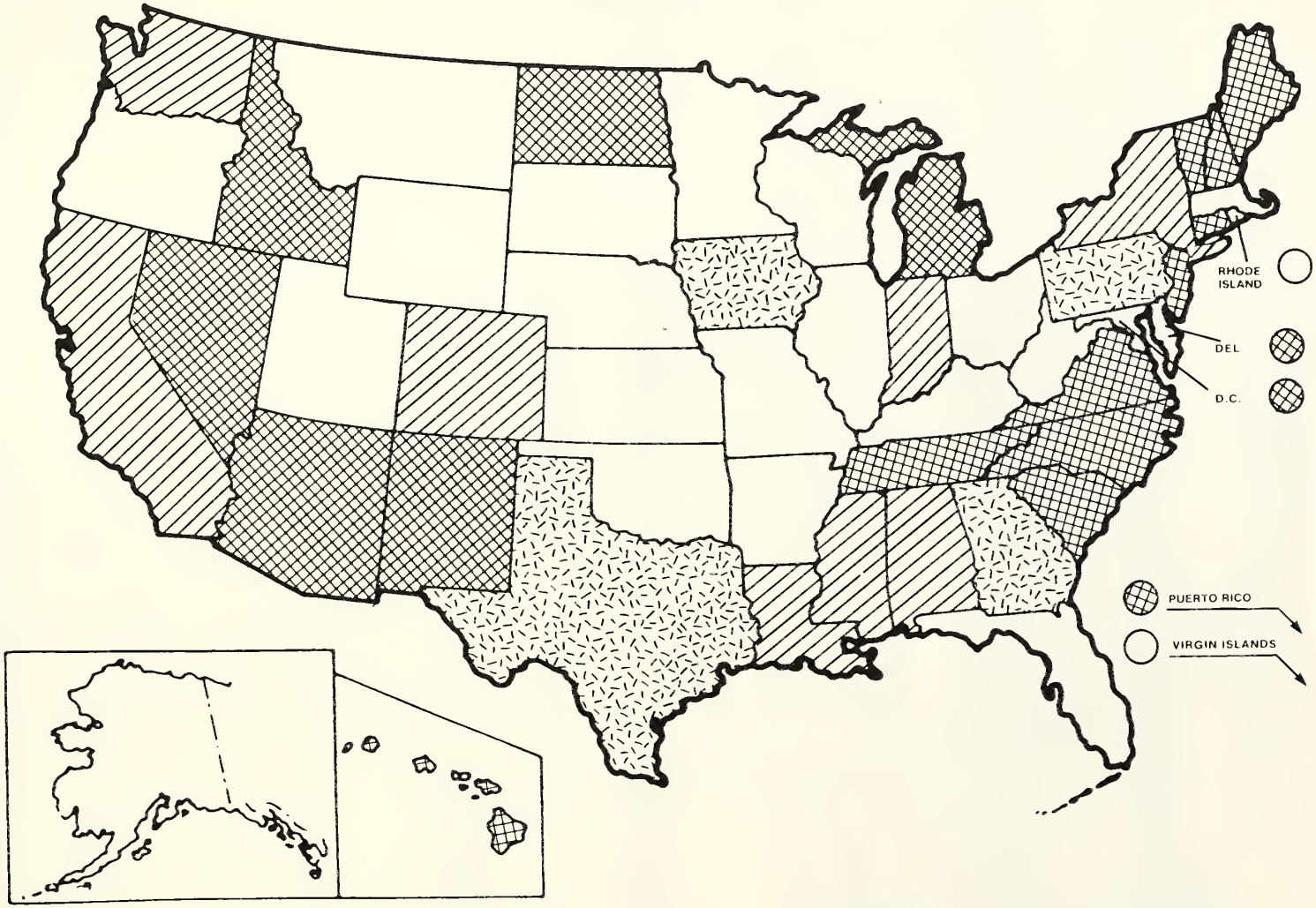
Over the years, very little change had been made to the Weighmaster Law until 1965. In that year, the format of the Model Weighmaster Law was revised to be in full accord with the Model State Weights and Measures Law. It provides a means by which weights and measures officials can control the important practice of weighing bulk goods in commerce.

2. STATUS OF PROMULGATION

The map on the following page shows the status of promulgation of the Model Weighmaster Law.

The National Conference on Weights and Measures is sponsored by the National Bureau of Standards in partial implementation of its statutory responsibility for "cooperation with the States in securing uniformity in weights and measures laws and methods of inspection."

STATUS OF STATE ADOPTION OF WEIGHMASTER LAW, 1982



MODEL FULLY ADOPTED (18)

MODEL ADOPTED IN PART, MODIFIED, OR USED AS GUIDELINE (9)

LAW OR REGULATION IN FORCE, BUT MODEL NOT CONSIDERED (4)

NO LAW OR REGULATION, BUT MODEL USED AS GUIDELINE (0)

NO LAW OR REGULATION (22)

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MODEL STATE WEIGHMASTER LAW
1965

SECTION 1. DEFINITIONS. -- When used in this Act:

1.1. LICENSED PUBLIC WEIGHMASTER. -- The term "licensed public weighmaster" shall mean and refer to a natural person licensed under the provisions of this Act.

1.2. VEHICLE . -- The term "vehicle" shall mean any device in, upon, or by which any property, produce, commodity, or article is or may be transported or drawn.

1.3. DIRECTOR . -- The term "director" means the _____ of the Department of _____.

SECTION 2. ENFORCING OFFICER: RULES AND REGULATIONS

The director is authorized to enforce the provisions of this Act and he shall issue from time to time reasonable regulations for the enforcement of this Act, which regulations shall have the force and effect of law.

SECTION 3. QUALIFICATIONS FOR WEIGHMASTER

A citizen of the United States or a person who has declared his intention of becoming such a citizen, who is a resident of the State of _____, not less than 21 years of age, of good moral character, who has the ability to weigh accurately and to make correct weight certificates, and who has received from the director a license as a licensed public weighmaster, shall be styled and authorized to act as a licensed public weighmaster.

SECTION 4. LICENSE APPLICATION

An application for a license as a licensed public weighmaster shall be made upon a form provided by the director and the application shall furnish evidence that the applicant has the qualifications required by Section 3 of this Act.

SECTION 5. EVALUATION OF QUALIFICATIONS OF APPLICANTS: RECORDS

The director may adopt rules for determining the qualifications of the applicant for a license as a licensed public weighmaster. The director may pass upon the qualifications of the applicant upon the basis of the information supplied in the application, may examine such applicant orally or in writing, or both, for the purpose of determining his or her qualifications. The director shall grant licenses as licensed public weighmasters to such applicants as may be found to possess the qualifications required by Section 3 of this Act. The director shall keep a record of all such applications and of all licenses issued thereon.

SECTION 6. LICENSE FEES

Before the issuance of any license as a licensed public weighmaster, or any renewal thereof, the applicant shall pay to the director a fee of $_____. Such fees shall be deposited with the State Treasurer to be credited to a fund to be used by the director for the administration of this Act.

SECTION 7. LIMITED LICENSES

The director may, upon request and without charge, issue a limited license as a licensed public weighmaster to any qualified officer or employee of a city or county of this State or of a State commission, board, institution, or agency, authorizing such officer or employee to act as a licensed public weighmaster only within the scope of his official employment in the case of an officer or employee of a city or county or only for and on behalf of the State commission, board, institution, or agency in the case of an officer or employee thereof.

SECTION 8. LICENSES: PERIOD, RENEWAL

Each license as licensed public weighmaster shall be issued to expire on the thirty-first day of December of the calendar year for which it is issued: Provided, That any such license shall be valid through the thirty-first day of January of the next ensuing calendar year or until issuance of the renewal licence, whichever event first occurs, if the holder thereof shall have filed a renewal application with the director on or before the fifteenth day of December of the year for which the current license was issued: And provided further, That any license issued on or after the effective date of this Act and on or before the thirty-first day of December 19____, shall be issued to expire on the thirty-first day of December of the next ensuing calendar year. Renewal applications shall be in such form as the director shall prescribe.

SECTION 9. LICENSED WEIGHMASTER: OATH, SEAL

Each licensed public weighmaster shall, before entering upon his or her duties, make oath to execute faithfully his or her duties. The issuance of a license as licensed public weighmaster shall not obligate the State to pay to the licensee any compensation for his or her services as a licensed public weighmaster. Each licensed public weighmaster shall, at his or her own expense, provide himself or herself with an impression seal. His or her name and the word(s) ____(insert name of State)____ shall be inscribed around the outer margin of the seal and the words "licensed public weighmaster" shall appear in the center thereof. The seal shall be impressed upon each weight certificate issued by a licensed public weighmaster.

SECTION 10. WEIGHT CERTIFICATE: REQUIRED ENTRIES

The director shall prescribe the form of weight certificate to be used by a licensed public weighmaster. The weight certificate shall state the date of issuance, the kind of property, produce, commodity, or article weighed, the name of the declared owner or agent of the owner or of the consignee of the material weighed, the accurate weight of the material weighed, the means by which the material was being transported at the time it was weighed, and such other available information as may be necessary to distinguish or identify the property, produce, commodity, or article from others of like kind. Such weight certificate, when so made and properly signed and sealed, shall be prima facie evidence of the accuracy of the weights shown.

SECTION 11. WEIGHT CERTIFICATE: EXECUTION, REQUIREMENTS

A licensed public weighmaster shall not enter on a weight certificate issued by him or her any weight values but such as he or she has personally determined, and shall make no entries on a weight certificate issued by some other person. A weight certificate shall be so prepared as to show

clearly that weight or weights were actually determined. If the certificate form provides for the entry of gross, tare, and net weights, in any case in which only the gross, the tare, or the net weight is determined by the weighmaster he or she shall strike through or otherwise cancel the printed entries for the weights not determined or computed. If gross and tare weights are shown on a weight certificate and both of these were not determined on the same scale and on the day for which the certificate is dated, the weighmaster shall identify on the certificate the scale used for determining each such weight and the date of each such determination.

SECTION 12. SCALE USED: TYPE, TEST

When making a weight determination as provided for by this Act, a licensed public weighmaster shall use a weighing device that is of a type suitable for the weighing of the amount and kind of material to be weighed and that has been tested and approved for use by a weights and measures officer of this State within a period of 12 months immediately preceding the date of the weighing.

SECTION 13. SCALE USED: CAPACITY, PLATFORM SIZE, ONE-DRAFT WEIGHING

A licensed public weighmaster shall not use any scale to weigh a load the value of which exceeds the nominal or rated capacity of the scale. When the gross or tare weight of any vehicle or combination of vehicles is to be determined, the weighing shall be performed upon a scale having a platform of sufficient size to accommodate such vehicle or combination of vehicles must be broken into separate units in order to be weighed as prescribed herein, each such separate unit shall be entirely disconnected before weighing and a separate weight certificate shall be issued for each such separate unit.

SECTION 14. COPIES OF WEIGHT CERTIFICATES

A licensed public weighmaster shall keep and preserve for at least one year, or for such longer period as may be specified in the regulations authorized to be issued for the enforcement of this Act, a legible carbon copy of each weight certificate issued by him or her, which copies shall be open at all reasonable times for inspection by any weights and measures officer of this State.

SECTION 15. RECIPROCAL ACCEPTANCE OF WEIGHT CERTIFICATES

Whenever in any other State which licenses public weighmasters, there is statutory authority for the recognition and acceptance of the weight certificates issued by licensed weighmasters of this State, the director of this State is authorized to recognize and accept the weight certificates of such other State.

SECTION 16. OPTIONAL LICENSING

The following persons shall not be required, but shall be permitted, to obtain licenses as licensed public weighmasters: (1) a weights and measures officer when acting within the scope of his official duties; (2) a person weighing property, produce, commodities, or articles that he or his employer, if any, is either buying or selling; and (3) a person weighing property, produce, commodities, or articles in conformity with the requirements of Federal statutes or the statutes of this State relative to warehousemen or processors.

SECTION 17. PROHIBITED ACTS

No person shall assume the title licensed public weighmaster, or any title of similar import, perform the duties or acts to be performed by a licensed public weighmaster under this Act, hold himself or herself out as a licensed public weighmaster, issue any weight certificate, ticket, memorandum, or statement for which a fee is charged, or engage in the full-time or part-time business of public weighing, unless he or she holds a valid license as a licensed public weighmaster. "Public weighing," as used in this section, shall mean the weighing for any person, upon request, of property, produce, commodities, or articles other than those which the weigher or his employer, if any, is either buying or selling.

SECTION 18. SUSPENSION AND REVOCATION OF LICENSE

The director is authorized to suspend or revoke the license of any licensed public weighmaster (1) when he or she is satisfied, after a hearing upon 10 days' notice to the licensee, that the said licensee has violated any provision of this Act or of any valid regulation of the director affecting licensed public weighmasters, or (2) when a licensed public weighmaster has been convicted in any court of competent jurisdiction of violating any provision of this Act or of any regulation issued under authority of this Act.

SECTION 19. OFFENSES AND PENALTIES

Any person who requests a licensed public weighmaster to weigh any property, produce, commodity, or article falsely or incorrectly, or who requests a false or incorrect weight certificate, or any person who issued a weight certificate simulating the weight certificate prescribed in this Act and who is not a licensed public weighmaster, shall be guilty of a misdemeanor and upon conviction for the first offense shall be punished by a fine in any sum not less than twenty-five dollars or more than one hundred dollars; and upon a second or subsequent conviction such person shall be punished by a fine in any sum not less than one hundred dollars or more than five hundred dollars, or by imprisonment for not less than thirty days or more than ninety days, or by both such fine and imprisonment.

SECTION 20. OFFENSES AND PENALTIES: MALFEASANCE

Any licensed public weighmaster who falsifies a weight certificate, or who delegates his authority to any person not licensed as a licensed public weighmaster, or who preseals a weight certificate with his official seal before performing the act of weighing, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine in any sum not less than fifty dollars or more than five hundred dollars, or by imprisonment for not less than thirty days or more than ninety days, or by both such fine and imprisonment.

SECTION 21. OFFENSES AND PENALTIES: GENERAL

Any person who violates any provision of this Act or any rule or regulation promulgated pursuant thereto for which no specific penalty has been provided shall be guilty of a misdemeanor and upon conviction shall be punished by a fine in any amount not less than twenty-five dollars or more than one hundred dollars.

SECTION 22. VALIDITY OF PROSECUTIONS

Prosecutions for violation of any provision of this Act are declared to be valid and proper notwithstanding the existence of any other valid general or specific Act of this State dealing with matters that may be the same as or similar to those covered by this Act.

SECTION 23. SEPARABILITY PROVISION

If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

SECTION 24. REPEAL OF CONFLICTING LAWS

All laws and parts of laws contrary to or inconsistent with the provisions of this Act, and specifically _____, are repealed insofar as they might operate in the future; but as to offenses committed, liabilities incurred, and claims now existing thereunder, the existing law shall remain in full force and effect.

SECTION 25. CITATION

This Act may be cited as the "Weighmaster Act of _____."

SECTION 26. EFFECTIVE DATE

This Act shall become effective on _____.

IV. MODEL STATE REGULATIONS

A. Model State Packaging and Labeling Regulation IV-3
B. Model State Method of Sale of Commodities Regulation . . . IV-37
C. Model State Unit Pricing Regulation IV-57
D. Model State Registration of Servicepersons and Service Agencies Regulation IV-63
E. Model State Open Dating Regulation IV-71

MODEL STATE PACKAGING AND LABELING REGULATION
1983

as adopted by
The National Conference on Weights and Measures

1. BACKGROUND

The Model State Packaging and Labeling Regulation was first adopted during the 37th National Conference on Weights and Measures in 1952. Reporting to the Conference, the Committee on Legislation stated:

> The National Conference should adopt a model package regulation for the guidance of those States authorized to adopt such a regulation under provisions of their weights and measures laws. Since so much of the work of weights and measures officials in the package field concerns food products, the importance of uniformity between the Federal Food and Drug Administration's regulations and any model regulations to be adopted by this Conference cannot be overemphasized.

Since its inception, the Model Packaging Regulation has been continually revised to meet the complexities of an enormous expansion in the packaging industry--an expansion which, in late 1966, brought about the passage of the Fair Packaging and Labeling Act. Recognizing the need for compatibility with the Federal Act, the Committee on Laws and Regulations of the 53rd National Conference in 1968 amended the Model Packaging and Labeling Regulation to parallel regulations adopted by Federal agencies under FPLA. The process of amending and revising this Regulation is a continuing one, in order to keep it current with practices in the packaging field and make it compatible with appropriate Federal regulations.

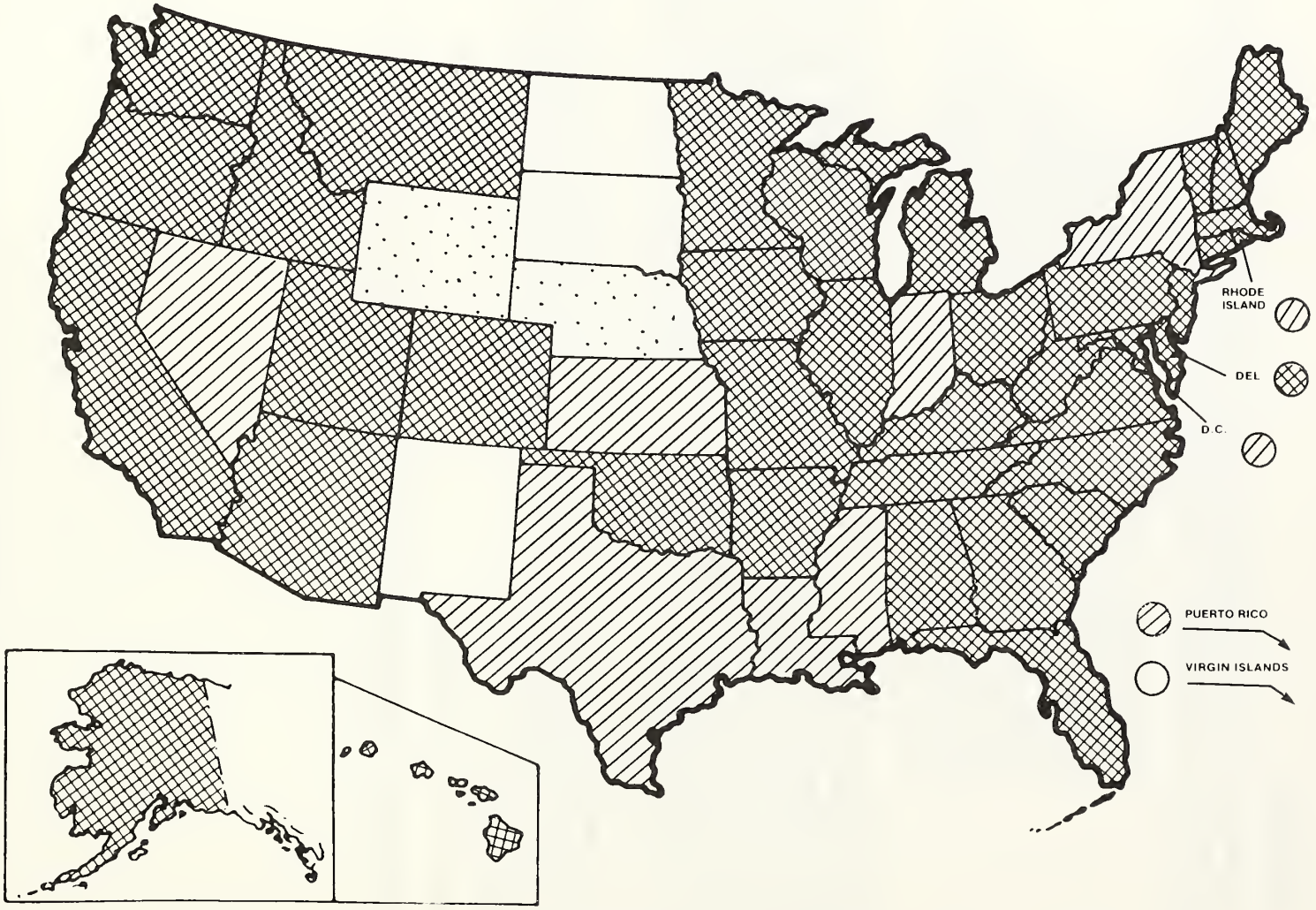
The revision of 1978 provided for the use of metric units on labels as well as allowing metric-only labels for those commodities not covered by Federal laws or regulations. Nothing contained in this regulation should be construed to supersede any labeling requirement specified in Federal law or to require the use of metric.

2. STATUS OF PROMULGATION

The map on the following page shows the status of promulgation of the Model State Packaging and Labeling Regulation.

The National Conference on Weights and Measures is sponsored by the National Bureau of Standards in partial implementation of its statutory responsibility for "cooperation with the States in securing uniformity in weights and measures laws and methods of inspection."

STATUS OF STATE ADOPTION OF PACKAGING & LABELING REGULATION, 1982



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MODEL STATE PACKAGING AND LABELING REGULATION
1983

SECTION 1. APPLICATION

This regulation shall apply to packages and to commodities in package form, but shall not apply to:

(a) inner wrappings not intended to be individually sold to the customer,

(b) shipping containers or wrapping used solely for the transportation of any commodities in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors, but in no event shall this exclusion apply to packages of consumer or nonconsumer commodities, as defined herein,
[Added 1971]

(c) auxiliary containers or outer wrappings used to deliver packages of such commodities to retail customers if such containers or wrappings bear no printed matter pertaining to any particular commodity,

(d) containers used for retail tray pack displays when the container itself is not intended to be sold (e.g., the tray that is used to display individual envelopes of seasonings, gravies, etc., and the tray itself is not intended to be sold), or

(e) open carriers and transparent wrappers or carriers for containers when the wrappers or carriers do not bear any written, printed, or graphic matter obscuring the label information required by this regulation.

SECTION 2. DEFINITIONS

2.1. COMMODITY IN PACKAGE FORM. -- The term "commodity in package form" shall be construed to mean a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be construed to be a commodity in package form. Where the term "package" is used in this regulation, it shall be construed to mean "commodity in package form" as herein defined.

2.2. CONSUMER PACKAGE: PACKAGE OF CONSUMER COMMODITY. -- A "consumer package" or "package of consumer commodity" shall be construed to mean a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.

2.3. NONCONSUMER PACKAGE: PACKAGE OF NONCONSUMER COMMODITY. -- A "nonconsumer package" or "package of nonconsumer commodity" shall be construed to mean any commodity in package form other than a consumer package, and particularly a package intended solely for industrial or institutional use or for wholesale distribution.

2.4. RANDOM PACKAGE. -- The term "random package" shall be construed to mean a package that is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights; that is, packages of the same consumer commodity with no fixed pattern of weight.

2.5. LABEL. -- The term "label" shall be construed to mean any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon or adjacent to a consumer commodity or a package containing any consumer commodity, for purposes of branding, identifying, or giving any information with respect to the commodity or to the contents of the package, except that an inspector's tag or other nonpromotional matter affixed to or appearing upon a consumer commodity shall not be deemed to be a label requiring the repetition of label information required by this regulation.

2.6. PERSON. -- The term "person" shall be construed to mean both singular and plural, and shall include any individual, partnership, company, corporation, association, and society.

2.7. PRINCIPAL DISPLAY PANEL OR PANELS. -- The term "principal display panel or panels" shall be construed to mean that part, or those parts, of a label that is, or are, so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display appears more than once on a package, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels."

2.8. MULTI-UNIT PACKAGE. -- The term "multi-unit package" shall be construed to mean a package containing two or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of the multi-unit package but capable of being individually sold in full compliance with all requirements of this regulation.

SECTION 3. DECLARATION OF IDENTITY: CONSUMER PACKAGE

3.1. DECLARATION OF IDENTITY: CONSUMER PACKAGE. -- A declaration of identity on a consumer package shall appear on the principal display panel, and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

3.1.1. PARALLEL IDENTITY DECLARATION: CONSUMER PACKAGE. -- A declaration of the identity on a consumer package shall appear generally parallel to the base on which the package rests as it is designed to be displayed.

SECTION 4. DECLARATION OF IDENTITY: NONCONSUMER PACKAGE

A declaration of identity on a nonconsumer package shall appear on the outside of a package and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

SECTION 5. DECLARATION OF RESPONSIBILITY: CONSUMER AND NONCONSUMER PACKAGES

Any package kept, offered, or exposed for sale, or sold, at any place other than on the premises where packed shall specify conspicuously on the label of the package the name and address of the manufacturer, packer, or distributor. The name shall be the actual corporate name, or, when not incorporated, the name under which the business is conducted. The address shall include street address, city, State, and ZIP Code; however, the street address may be omitted if this is shown in a current city directory or telephone directory.

If a person manufacturers, packs, or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where the commodity was manufactured or packed or is to be distributed, unless such statement would be misleading. Where the commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such commodity, such as "Manufactured for and

packed by _____," "Distributed by _____," or any other wording of similar import that expresses the facts.

SECTION 6. DECLARATION OF QUANTITY: CONSUMER PACKAGES

6.1. GENERAL.* -- The metric and inch-pound systems of weights and measures are recognized as proper systems to be used in the declaration of quantity. Units of both systems may be presented in a dual declaration of quantity. Except where additional exemption is otherwise provided herein, all metric labeling requirements affected by this 1978 revision shall apply to labels: (a) revised after the effective date of this regulation or (b) as of July 1, 1980, whichever occurs first.

6.2. LARGEST WHOLE UNIT. -- Where this regulation requires that the quantity declaration be in terms of the largest whole unit, the declaration shall, with respect to a particular package, be in terms of the largest whole unit of weight or measure, with any remainder expressed (following the requirements of Section 6.10. Fractions):

(a) Inch-Pound Units

(1) in common or decimal fractions of such largest whole unit, or in

(2) the next smaller whole unit, or units, with any further remainder in terms of common or decimal fractions of the smallest unit present in the quantity declaration.

(b) Metric Units, in decimal fractions of such largest whole unit.

6.3. NET QUANTITY. -- A declaration of net quantity of the commodity in the package, exclusive of wrappers and any other material packed with such commodity (except as noted in Section 10.3), shall appear on the principal display panel of a consumer package and, unless otherwise specified in this regulation (see subsections 6.7. through 6.8.3.), shall be in terms of the largest whole unit.

6.3.1. USE OF "NET WEIGHT." -- The term "net weight" shall be used in conjunction with the declaration of quantity in units of weight. The term may either precede or follow the declaration of weight.

6.3.2. LINES OF PRINT OR TYPE. -- A declaration of quantity may appear on one or more lines of print or type.
[Amended 1982]

6.4. TERMS: WEIGHT, LIQUID MEASURE, DRY MEASURE, OR COUNT. -- The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or dry measure if the commodity is dry, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such a declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

6.4.1. COMBINATION DECLARATION. --

(a) A declaration of quantity in terms of weight shall be combined with appropriate declarations of the measure, count, and size of the individual units unless a declaration of weight alone is fully informative.

---

*Packages subject to the Federal Fair Packaging and Labeling Act must be labeled in inch-pound units of measure. Metric units may also be declared on the principal display panel and may even appear first. [Added 1982]

(b) A declaration of quantity in terms of measure shall be combined with appropriate declarations of the weight, count, and size of the individual units unless a declaration of measure alone is fully informative.

(c) A declaration of quantity in terms of count shall be combined with appropriate declarations of the weight, measure, and size of the individual units unless a declaration of count alone is fully informative.

[Added 1971]

6.5. INCH-POUND SYSTEM: WEIGHT, MEASURE. -- A declaration of quantity:

(a) in units of weight, shall be in terms of the avoirdupois pound or ounce;

(b) in units of liquid measure, shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon, and shall express the volume at 68 °F except in the case of petroleum products, for which the declaration shall express the volume at 60 °F, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40 °F;

(c) in units of linear measure, shall be in terms of the yard, foot, or inch;

(d) in units of area measure, shall be in terms of the square yard, square foot, or square inch;

(e) in units of volume measure, shall be in terms of the cubic yard, cubic foot, or cubic inch;

(f) in units of dry measure, shall be in terms of the United States bushel of 2150.42 cubic inches, or peck, dry-quart, and dry-pint subdivisions of the bushel.

6.5.1. SYMBOLS AND ABBREVIATIONS. -- Any of the following symbols and abbreviations, and none other, shall be employed in the quantity statement on a package of commodity:

avoirdupois	avdp	ounce	oz
cubic	cu	pint	pt
feet or foot	ft	pound	lb
fluid	fl	quart	qt
gallon	gal	square	sq
inch	in	weight	wt
liquid	liq	yard	yd

(There normally are no periods following, nor plural forms of, symbols. For example, "oz" is the symbol for both "ounce" and "ounces." Both upper and lower case letters are acceptable.)
[Added 1974, amended 1980]

6.5.2. UNITS OF TWO OR MORE MEANINGS. -- When the term "ounce" is employed in a declaration of liquid quantity, the declaration shall identify the particular meaning of the term by the use of the term "fluid"; however, such distinction may be omitted when, by association of terms (for example, as in "20 fluid ounces, 1 pint 4 ounces"), the proper meaning is obvious. Whenever the declaration of quantity is in terms of the dry pint or dry quart, the declaration shall include the word "dry."
[Amended 1982]

6.6. METRIC UNITS: WEIGHT, MEASURE. -- A declaration of quantity:

(a) in units of weight shall be in terms of the kilogram, gram, or milligram.

(b) in units of liquid measure shall be in terms of the liter or milliliter, and shall express the volume at 20 °C, except in the case of petroleum products, for which the declaration shall express the volume at 15 °C, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 4 °C;

(c) in units of linear measure shall be in terms of the meter, centimeter, or millimeter.

(d) in units of area measure, shall be in terms of the square meter or square centimeter.

(e) in units of volume other than liquid measure, shall be in terms of the liter and milliliter, except that the terms cubic meter and cubic centimeter will be used only when specifically designated as a method of sale.

6.6.1. SYMBOLS. -- Any of the following symbols for metric units, and none other, may be employed in the quantity statement on a package of commodity:

kilogram	kg	meter	m	cubic meter	m^3
gram	g	centimeter	cm	cubic centimeter	cm^3
milligram	mg	millimeter	mm_2		
liter	L or l	square meter	m^2		
milliliter	mL or ml	square centimeter	cm^2		

(a) Symbols, except for liter, are not capitalized unless the unit is derived from a proper name. Periods should not be used after the symbol. Symbols are always written in the singular form--do not add "s" to express the plural when the symbol is used.

(b) The "l" symbol for liter and "ml" symbol for milliliter are permitted; however, the "L" symbol and the "mL" symbol are preferred.
[Amended 1980]

6.7. PRESCRIBED UNITS, INCH-POUND SYSTEM. --

6.7.1. LESS THAN 1 FOOT, 1 SQUARE FOOT, 1 POUND, OR 1 PINT. -- The declaration of quantity shall be expressed in terms of

(a) in the case of length measure of less than 1 foot, inches and fractions of inches;

(b) in the case of area measure of less than 1 square foot, square inches and fractions of square inches;

(c) in the case of weight of less than 1 pound, ounces and fractions of ounces;

(d) in the case of liquid measure of less than 1 pint, fluid ounces and fractions of fluid ounces;

Provided, that the quantity declaration appearing on a random package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than two decimal places.

6.7.2. WEIGHT: DUAL QUANTITY DECLARATION. -- On packages containing 1 pound or more but less than 4 pounds, the declaration shall be expressed in ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit: Provided, that the quantity declaration appearing on a random package may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places.

6.7.3. LIQUID MEASURE: DUAL QUANTITY DECLARATION. -- On packages containing 1 pint or more, but less than 1 gallon, the declaration shall be expressed in fluid ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

6.7.4. LENGTH MEASURE: DUAL QUANTITY DECLARATION. -- On packages containing 1 foot or more, but less than 4 feet, the declaration shall be expressed in inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

6.7.5. AREA MEASURE: DUAL QUANTITY DECLARATION. -- On packages containing 1 square foot or more but less than 4 square feet, the declaration shall be expressed in square inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

6.7.6. FOUR FEET, 4 SQUARE FEET, 4 POUNDS, 1 GALLON, OR MORE. -- In the case of

(a) length measure of 4 feet or more

the declaration of quantity shall be expressed in terms of feet, followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches. In the case of

(b) area measure of 4 square feet or more;

(c) weight of 4 pounds or more;

(d) liquid measure of 1 gallon or more

the declaration of quantity shall be expressed in terms of the largest whole unit.

6.7.7. BIDIMENSIONAL COMMODITIES. -- For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed,

(a) if less than 1 square foot, in terms of linear inches and fractions of linear inches;

(b) if at least 1 square foot but less than 4 square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit; Provided, that

(1) no square inch declaration is required for a bi-dimensional commodity of 4 inches width or less,

(2) a dimension of less than 2 feet may be stated in inches within the parenthetical declaration, and

(3) commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see subsection 6.9. Count: Ply.) require a declaration of unit area but not a declaration of total area of all such units;

(c) if 4 square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in terms of the largest whole unit; Provided, that

(1) no declaration in square feet is required for a bi-dimensional commodity with a width of 4 inches or less,

(2) bidimensional commodities, with a width of 4 inches or less, shall have the length expressed in inches followed by a statement in parentheses of the length in the largest whole unit. [Example: 2 inches by 360 inches (10 yards).] [Added 1972]

(3) a dimension of less than 2 feet may be stated in inches within the parenthetical declaration, and

(d) no declaration in square units is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.

6.8. PRESCRIBED UNITS, METRIC SYSTEM . --

6.8.1. LESS THAN 1 METER, 1 SQUARE METER, 1 KILOGRAM, OR 1 LITER. -- The declaration of quantity shall be expressed in terms of:

(a) in the case of length measure of less than 1 meter, centimeters or millimeters;
[Amended 1979]

(b) in the case of area measure of less than 1 square meter, square centimeters and decimal fractions of square centimeters;

(c) in the case of weight of less than 1 kilogram, grams and decimal fractions of a gram, but if less than 1 gram, then in milligrams;

(d) in the case of liquid or dry measure of less than one liter, milliliters;

Provided, that the quantity declaration appearing on a random weight package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than three decimal places. [Amended 1980]

6.8.2. ONE METER, 1 SQUARE METER, 1 LITER OR MORE. -- In the case of:

(a) length measure of 1 meter or more; in meters and decimal fractions to not more than two places.

(b) area measure of 1 square meter or more; in square meters and decimal fractions to not more than two places.

(c) weight of 1 kilogram or more; in kilograms and decimal fractions to not more than two places.

(d) liquid or dry measure of 1 liter or more; in liters and decimal fractions to not more than two places.

6.8.3. BIDIMENSIONAL COMMODITIES. -- For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed:

(a) if less than 1 square meter in terms of length and width.

(b) if 1 square meter or more, in terms of square measure followed in parentheses by a declaration of length and width: Provided, that

(1) quantity declarations on bidimensional commodities with a width of 100 millimeters or less may be expressed in terms of width and length, only.

(2) commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see subsection 6.9. Count: Ply.) require a declaration of unit area but not a declaration of total area of all such units.

(3) no declaration in square units is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.

6.9. COUNT: PLY. -- If the commodity is in individually usable units of one or more components or ply, the quantity declaration shall, in addition to complying with other applicable quantity declaration requirements of this regulation, include the number of ply and total number of usable units.

Roll-type commodities, when perforated so as to identify individual usable units, shall not be deemed to be made up of usable units; however, such roll-type commodities shall be labeled in terms of

(a) total area measurement,

(b) number of ply,

(c) count of usable units, and

(d) dimensions of a single usable unit.

6.10. FRACTIONS. --

(a) Metric: A metric statement in a declaration of net quantity of contents of any consumer commodity may contain only decimal fractions.

(b) Inch-Pound: An inch-pound statement of net quantity of contents of any consumer commodity may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds, except that

(1) if there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed, and

(2) if linear measurements are required in terms of yards or feet, common fractions may be in terms of thirds.

(c) Common fractions: A common fraction shall be reduced to its lowest term (Example: 2/4 becomes 1/2).

(d) Decimal fractions: A decimal fraction shall not be carried out to more than two places.

6.11. SUPPLEMENTARY DECLARATIONS. --

6.11.1. SUPPLEMENTARY QUANTITY DECLARATIONS. -- The required quantity declaration may be supplemented by one or more declarations of weight, measure, or count, such declaration appearing other than on a principal display panel. Such supplemental statement of quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package (e.g., "giant" quart, "larger" liter, "full" gallon, "when packed," "minimum," or words of similar import).

6.11.2. COMBINED METRIC AND INCH-POUND DECLARATIONS. -- An equivalent statement of the net quantity of contents in terms of either the inch-pound or metric system is not regarded as a supplemental statement and such statement may also appear on the principal display panel; Provided, that it conforms to both Section 6.5. and Section 6.6.

6.11.3. ROUNDING. -- In all conversions for the purpose of showing an equivalent metric or inch-pound quantity to a rounded inch-pound or metric quantity, the number of significant digits retained should be such that accuracy is neither sacrificed nor exaggerated. As a general rule, converted values should be rounded down by dropping any digit beyond the first three. (Example: 196.4 grams becomes 196 grams or 1.759 feet becomes 1.75 feet.)

6.12. QUALIFICATION OF DECLARATION PROHIBITED. -- In no case shall any declaration of quantity be qualified by the addition of the words "when packed," "minimum," or "not less than," or any words of similar import, nor shall any unit of weight, measure, or count be qualified by any term (such as "jumbo," "giant," "full," or the like) that tends to exaggerate the amount of commodity.

6.13. CHARACTER OF DECLARATION: AVERAGE. -- The average quantity of contents in the packages of a particular lot, shipment, or delivery shall at least equal the declared quantity, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage.
[Added 1981]

SECTION 7. DECLARATION OF QUANTITY: NONCONSUMER PACKAGES

7.1. GENERAL. -- The metric and inch-pound systems of weights and measures are recognized as proper systems to be used in the declaration of quantity. Units of both systems might be combined in a dual declaration of quantity.[1]

[1]Note: Although nonconsumer packages under this regulation might bear only metric declarations, this regulation should not be construed to supersede any labeling requirement specified in Federal law.

7.2. LOCATION. -- A nonconsumer package shall bear on the outside a declaration of the net quantity of contents. Such declaration shall be in terms of the largest whole unit (see subsection 6.2. Largest Whole Unit).

7.3. TERMS: WEIGHT, LIQUID MEASURE, DRY MEASURE, OR COUNT. -- The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or in terms of dry measure if the commodity is dry, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

7.4. INCH-POUND UNITS: WEIGHT, MEASURE. -- A declaration of quantity:

(a) in units of weight, shall be in terms of the avoirdupois pound or ounce;

(b) in units of liquid measure, shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon, and shall express the volume at 68 °F except in the case of petroleum products, for which the declaration shall express the volume at 60 °F, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40 °F;

(c) in units of linear measure, shall be in terms of the yard, foot, or inch;

(d) in units of area measure, shall be in terms of the square yard, square foot, or square inch;

(e) in units of volume measure, shall be in terms of the cubic yard, cubic foot, or cubic inch;

(f) in units of dry measure, shall be in terms of the United States bushel of 2150.42 cubic inches, or peck, dry-quart and dry-pint subdivisions of the bushel.

7.4.1. SYMBOLS AND ABBREVIATIONS. -- Any generally accepted symbol and abbreviation of a unit name may be employed in the quantity statement on a package of commodity. (For commonly accepted symbols and abbreviations, see subsection 6.5.1. Symbols and Abbreviations.)

7.5. METRIC UNITS: WEIGHT, MEASURE. -- A declaration of quantity:

(a) in units of weight, shall be in terms of the kilogram, gram, or milligram;

(b) in units of liquid measure, shall be in terms of the liter or milliliter, and shall express the volume at 20 °C, except in the case of petroleum products, for which the declaration shall express the volume at 15 °C, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and

except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 4 °C;

(c) in units of linear measure, shall be in terms of the meter, centimeter, or millimeter;

(d) in units of area measure, shall be in terms of the square meter or square centimeter;

(e) in units of volume other than liquid measure, shall be in terms of the liter and milliliter, except that the terms cubic meter and cubic centimeter will be used only when specifically designated as a method of sale.

7.5.1. SYMBOLS. -- Only those symbols as detailed in subsection 6.6.1. Symbols, and none other, may be employed in the quantity statement on a package of commodity.

7.6. CHARACTER OF DECLARATION: AVERAGE. -- The average quantity of contents in the packages of a particular lot, shipment, or delivery shall at least equal the declared quantity, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage.

SECTION 8. PROMINENCE AND PLACEMENT: CONSUMER PACKAGES

8.1. GENERAL. -- All information required to appear on a consumer package shall appear thereon in the English language and shall be prominent, definite, and plain, and shall be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

8.1.1. LOCATION. -- The declaration or declarations of quantity of the contents of a package shall appear in the bottom 30 percent of the principal display panel or panels. For cylindrical containers, see also subsection 10.7. for additional requirements.
[Amended 1975]

8.1.2. STYLE OF TYPE OR LETTERING. -- The declaration or declarations of quantity shall be in such a style of type or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering, or graphic material on the package, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface is permissible when all label information is blown, formed, or molded on the surface.

8.1.3. COLOR CONTRAST. -- The declaration or declarations of quantity shall be in a color that contrasts conspicuously with its background, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface shall not be required to be presented in a contrasting color if no required label information is on the surface in a contrasting color.

8.1.4. FREE AREA. -- The area surrounding the quantity declaration shall be free of printed information

(a) above and below, by a space equal to at least the height of the lettering in the declaration, and

(b) to the left and right, by a space equal to twice the width of the letter "N" of the style and size of type used in the declaration.

8.1.5. PARALLEL QUANTITY DECLARATION. -- The quantity declaration shal be presented in such a manner as to be generally parallel to the declaration of identity and to the base on which the package rests as it i designed to be displayed.

8.2. CALCULATION OF AREA OF PRINCIPAL DISPLAY PANEL FOR PURPOSES OF TYPE SIZE. -- The area of the principal display panel shall be

(a) in the case of a rectangular container, one entire side which properly can be considered to be the principal display panel, the product of the height times the width of that side;

(b) in the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference; or

(c) in the case of any other shaped container, 40 percent of the total surface of the container, unless such container presents an obvious principal display panel (e.g., the top of a triangular or circular package of cheese, or the top of a can of shoe polish), in which event the area shall consist of the entire such surface.

Determination of the principal display panel shall exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

8.2.1. MINIMUM HEIGHT OF NUMBERS AND LETTERS. -- The height of any letter or number in the required quantity declaration shall be not less than that shown in Table 1 with respect to the area of the panel, and the height of each number of a common fraction shall meet one-half the minimum height standards. In the case of the symbol for milliliter, the "m" shall meet the minimum height standard.
[Amended 1982]

8.2.2. NUMBERS AND LETTERS: PROPORTION. -- No number or letter shall be more than three times as high as it is wide.

TABLE 1. Minimum Height of Numbers and Letters

Area of principal display panel	Minimum height of numbers and letters	Minimum height: label information blown, formed, or molded on surface of container
5 square inches (in^2) and less	1/16 inch	1/8 inch
Greater than 5 in and not greater than 25 in^2	1/8 inch	3/16 inch
Greater than 25 in^2 and not greater than 100 in	3/16 inch	1/4 inch
Greater than 100 in^2 and not greater than 400 in^2	1/4 inch	5/16 inch
Greater than 400 in^2	1/2 inch	9/16 inch

SECTION 9. PROMINENCE AND PLACEMENT: NONCONSUMER PACKAGES

9.1. GENERAL. -- All information required to appear on a nonconsumer package shall be definitely and clearly stated thereon in the English language. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

SECTION 10. REQUIREMENTS: SPECIFIC CONSUMER COMMODITIES, NONCONSUMER COMMODITIES, PACKAGES, CONTAINERS

[Title amended 1979]

10.1. DISPLAY CARD PACKAGE. -- For an individual package affixed to a display card, or for a commodity and display card together comprising a package, the type size of the quantity declaration is governed by the dimensions of the display card.

10.2. EGGS. -- When cartons containing 12 eggs have been designed so as to permit division in half by the retail purchaser, the required quantity declaration shall be so positioned as to have its context destroyed when the carton is divided.

10.3. AEROSOLS AND SIMILAR PRESSURIZED CONTAINERS. -- The declaration of quantity on an aerosol package, and on a similar pressurized package, shall disclose the net quantity of the commodity (including propellant), in terms of weight, that will be expelled when the instructions for use as shown on the container are followed.

10.4. MULTI-UNIT PACKAGES. -- Any package containing more than one individual "commodity in package form" (see subsection 2.1.) of the same commodity shall bear on the outside of the package a declaration of

(a) the number of individual units,

(b) the quantity of each individual unit, and

(c) the total quantity of the contents of the multi-unit package: Provided, that any such declaration of total quantity shall not be required to include the parenthetical quantity statement of a dual quantity representation. (Example: soap bars, "6 Bars, Net Weight 75 grams each; Total Net Weight 450 grams)

10.5. COMBINATION PACKAGES. -- Any package containing individual units of dissimilar commodities (such as an antiquing or a housecleaning kit, for example) shall bear on the label of the package a quantity declaration for each unit. (Example: sponges and cleaner: "2 sponges, each 10 centimeters x 15 centimeters x 2 centimeters; 1 box cleaner, net weight 150 grams")

10.6. VARIETY PACKAGES. -- Any package containing individual units of reasonably similar commodities (such as, for example, seasonal gift packages, variety packages of cereal) shall bear on the label of the package a declaration of the total quantity of commodity in the package. (Example: plastic tableware: 4 spoons, 4 forks, 4 knives, 12 pieces total.)

10.7. CYLINDRICAL CONTAINERS. -- In the case of cylindrical or nearly cylindrical containers, information required to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

10.8. MEASUREMENT OF CONTAINTER-TYPE COMMODITIES, HOW EXPRESSED. --

10.8.1. GENERAL. -- Commodities designated and sold at retail to be used as containers for other materials or objects, such as bags, cups, boxes, and pans, shall be labeled with the declaration of net quantity as follows:

(a) For bag-type commodities, in terms of count followed by linear dimensions of the bag (whether packaged in a perforated roll or otherwise).

When the unit bag is characterized by two dimensions because of the absence of a gusset, the width and length will be expressed:

(1) Inch-pound units - in inches, except that a dimension of 2 feet or more will be expressed in feet with any remainder in terms of inches or common or decimal fractions of the foot. (Example: "25 BAGS, 17 inches X 20 inches" or "100 BAGS, 20 inches X 2 feet 6 inches" or "50 BAGS, 20 inches X 2-1/2 feet")

(2) Metric units - in millimeters except a dimension of one meter or more will be expressed in meters with the remainder in terms of decimal fractions of the meter (Examples: "25 BAGS, 500 millimeters X 600 millimeters" or "50 BAGS, 750 millimeters X 1.2 meters")

When the unit bag is gusseted, the dimensions will be expressed as width, depth, and length.

(1) Inch-pound units - expressed in feet with any remainder in terms of inches or the common or decimal fractions of the foot. (Examples: "25 BAGS, 17 inches X 4 inches X 20 inches" or "100 BAGS, 20 inches X 12 inches X 2-1/2 feet")

(2) Metric units - in millimeters except a dimension of one meter or more will be expressed in meters with the remainder in terms of decimal fractions of the meter. (Examples: "25 BAGS, 430 millimeters X 100 millimeters X 500 millimeters" or "50 BAGS, 500 millimeters X 300 millimeters X 1.2 meters")

(b) For other square, oblong, rectangular, or similarly shaped containers, in terms of count followed by length, width, and depth, except depth need not be listed when less than 50 millimeters or 2 inches. (Examples: "2 PANS, 8 inches X 8 inches" or "2 PANS, 203 millimeters X 203 millimeters")

(c) For circular or other generally round-shaped containers, except cups, and the like, in terms of count followed by diameter and depth, except depth need not be listed when less than 50 millimeters or two inches. (Examples: "4 PANS, 8-inches diameter X 4 inches" or "4 PANS, 200 millimeters diameter X 100 millimeters")

(d) Notwithstanding the above requirements, the net quantity statement for containers such as cups will be listed in terms of count and liquid capacity per unit. (Examples: "24 CUPS, 6 fluid ounces capacity" or "24 CUPS 250 milliliter capacity")

10.8.2. CAPACITY. -- When the functional use of the container is related by label references in standard terms of measure to the capability of holding a specific quantity of substance or class of

substances such references shall be a part of the net quantity statement and shall specify capacity as follows:

(a) Inch-Pound Units:

(1) Liquid measure for containers which are intended to be used for liquids, semisolids, viscous materials, or mixtures of solids and liquids. The expressed capacity will be stated in terms of the largest whole unit (gallon, quart, pint, ounce, with any remainder in terms of the common decimal fraction of that unit). (Examples: Freezer Box - "4 BOXES, 1 quart capacity, 5 inches X 4 inches X 3 inches")

(2) Dry measure for containers which are intended to be used for solids. The expressed capacity will be stated in terms of the largest whole unit (bushel, peck), with a remainder in terms of the common or decimal fraction of that unit. (Example: Leaf Bags - "8 BAGS, 6 bushel capacity, 3 feet X 5 feet")

(3) Where containers are used as liners for other more permanent containers, in the same terms as are normally used to express the capacity of the more permanent containers. (Example: Garbage Can Liners - "10 LINERS, 2 feet 6 inches X 3 feet 9 inches. FITS UP TO 30-GALLON CANS")

(b) Metric units: Volume measure for all containers and liners. (Examples: "4 BOXES, 1 liter capacity. 150 millimeters X 120 millimeters X 90 millimeters;" "8 BAGS, 200 liter capacity, 85 millimeters X 1.5 meters" or "10 LINERS, 750 millimeters X 1 meter, fits up to 120 liter CANS")

10.8.3. TERMS. -- For purposes of this section, the use of the terms "CAPACITY," "DIAMETER," and "FLUID" is optional.

10.9. TEXTILE PRODUCTS, THREADS, AND YARNS. --

10.9.1. WEARING APPAREL. -- Wearing apparel (including nontextile apparel and accessories such as leather goods and footwear) sold as single-unit items, or if normally sold in pairs (such as hosiery, gloves, and shoes) sold as single-unit pairs, shall be exempt from the requirements for a net quantity statement by count, as required by subsection 6.4. of this regulation.

10.9.2. TEXTILES. -- Bedsheets, blankets, pillowcases, comforters, quilts, bedspreads, mattress covers and pads, afghans, throws, dresser and other furniture scarfs, tablecloths and napkins, flags, curtains, drapes, dishtowels, dish cloths, towels, face cloths, utility cloths, bath mats, carpets and rugs, pot holders, fixture and appliance covers, non-rectangular diapers, slip covers, etc., shall be exempt from the requirements of subsections 6.7.7. and 6.8.3. of this regulation: Provided, that

(a) The quantity statement for fitted sheets and mattress covers shall state, in centimeters or inches, the length and width of the mattress for which the item is designed, such as "twin," "double," "king," etc. (Example: "Double Sheet for 135 centimeter X 190 centimeter mattress.")

(b) The quantity statement for flat sheets shall state the size designation of the mattress for which the sheet is designed, such as "twin," "double," "king,", etc. The quantity statement also shall state, in centimeters or inches, the length and width of the mattress for which the sheet is designed, followed in parentheses by a statement, in inches, of the length and width of the finished sheet. (Example: "Twin Flat Sheet for 100 centimeter X 190 centimeter mattress [170 centimeter X 240 centimeter finished size]")
[Amended 1977]

(c) The quantity statement for pillowcases shall state the size designation of the pillow for which the pillowcase is designed, such as "youth," "standard," and "queen," etc. The quantity statement also shall state, in centimeters or inches, the length and width of the pillow for which the pillowcase is designed, followed in parentheses by a statement, in centimeters or inches, of the length and width of the finished pillowcase. (Example: "Standard Pillowcase for 50 centimeter X 65 centimeter pillow [53 centimeter X 75 centimeter finished size]")
[Amended 1977]

(d) The quantity statement for blankets, comforters, quilts, bedspreads, mattress pads, afghans, and throws shall state, in inches, the length and width of the finished item. The quantity statement also may state the length of any ornamentation and the size designation of the mattress for which the item is designed, such as "twin," "double," "king," etc.

(e) The quantity statement for tablecloths and napkins shall state, in centimeters or inches, the length and width of the finished item. The quantity statement also may state parenthetically, in centimeters or inches, the length and width of the item before hemming and properly identified as such.

(f) The quantity statement for curtains, drapes, flags, furniture scarfs, etc., shall state, in centimeters or inches, the length and width of the finished item. The quantity statement also may state parenthetically, in centimeters or inches, the length of any ornamentation.

(g) The quantity statement for carpets and rugs shall state, in meters or feet, with any remainder in decimal fractions of the meter for metric sizes or common or decimal fractions of the foot or in inches for customary sizes, the length and width of the item. The quantity statement also may state parenthetically, in centimeters or inches, the length of any ornamentation.

(h) The quantity statement for woven dish towels, dish cloths, towels, face cloths, utility cloths, bath mats, etc., shall state, in centimeters or inches, the length and width of the item. The quantity statement for such items, when knitted, need not state the dimensions.

(i) The quantity statement for textile products such as pot holders, fixture and appliance covers, non-rectangular diapers, slip covers, etc., shall be stated in terms of count and may include size designations and dimensions.

(j) The quantity statement for other than rectangular textile products identified in subsections (a) through (h) shall state

the geometric shape of the product and the dimensions which are customarily used in describing such geometric shape. (Example: "Oval Tablecloth 140 centimeters X 110 centimeters" representing the maximum length and width in this case)

(k) The quantity statement for packages of remnants of textile products of assorted sizes, when sold by count, shall be accompanied by the term "irregular dimensions" and the minimum size of such remnants.

[Added 1971]

10.9.3. TEXTILES: VARIATIONS FROM DECLARED DIMENSIONS. --

(a) For an item with no declared dimension less than 60 centimeters or 24 inches, a minus variation greater than 3% of a declared dimension and a plus variation greater than 6% of a declared dimension should be considered unreasonable.

(b) For an item with a declared dimension less than 60 centimeters or 24 inches, a minus variation greater than 6% of that declared dimension and a plus variation greater than 12% of that declared dimension should be considered unreasonable.

[Added 1971]

10.9.4. EXEMPTION: VARIETY TEXTILE PACKAGES. -- Variety packages of textiles which are required by reason of subsection 6.4.1. to provide a combination declaration stating the quantity of each individual unit, shall be exempt from the requirements in this regulation for:

(a) Location (see subsection 8.1.1.),

(b) Free area (see subsection 8.1.4.), and

(c) Minimum height of numbers and letters (see subsection 8.2.1.).

[Added 1971]

10.9.5. SEWING THREADS, HANDICRAFT THREADS, AND YARNS. -- Sewing and handicraft threads shall be exempt from the requirements of subsection 6.7.2. and 6.8.2. of this regulation: Provided, that

(a) The net quantity statement for customary sizes of sewing and handicraft threads shall be expressed in terms of yards.

(b) The net quantity statement for yarns shall be expressed in terms of weight.

(c) Thread products may, in lieu of name and address, bear a trademark, symbol, brand, or other mark that positively identifies the manufacturer, packer, or distributor, provided that such marks, employed to identify the vendor, shall be filed with the director.

(d) Each unit of industrial thread shall be marked to show its net measure in terms of meters or yards or its net weight in terms of kilograms or grams or avoirdupois pounds or ounces, except that ready-wound bobbins which are not sold separately, shall not be required to be individually marked to show the number of bobbins contained therein and the net meters or yards of thread on each bobbin.

10.10. PACKAGED SEED. -- Packages of seeds intended for planting shall be labeled in full accord with this regulation except as follows:

(a) The quantity statement shall appear in the upper thirty percent of the principal display panel.

(b) The quantity statements shall be in terms of the largest whole unit of the metric system for all weights up to seven grams, and in grams or in ounces for all other weights less than 225 grams or eight ounces; packaged seeds weighing 225 grams or eight ounces or more shall not be subject to Section 10.10.

(c) The quantity statement for coated seed, encapsulated seed, pelletized seed, pre-planters, seed tapes, etc., shall be in terms of count.

[Added 1972, amended 1975]

SECTION 11. EXEMPTIONS

11.1. GENERAL. -- Whenever any consumer commodity or package of consumer commodity is exempted from the requirements for dual quantity declaration, the net quantity required to appear on the package shall be in terms of the largest whole unit (except see subsection 10.4.(c)).

11.2. RANDOM PACKAGES. -- A random package bearing a label conspicuously declaring

(a) the net weight,

(b) the price per kilogram or pound, and

(c) the total price

shall be exempt from the type size, dual declaration, placement, and free area requirements of this regulation. In the case of a random package packed at one place for subsequent sale at another, neither the price per unit of weight nor the total selling price need appear on the package, provided the package label includes both such prices at the time it is offered or exposed for sale at retail.

This exemption shall also apply to uniform weight packages of cheese and cheese products labeled in the same manner and by the same type of equipment as random packages exempted by this section.

11.3. SMALL CONFECTIONS. -- Individually wrapped pieces of "penny candy" and other confectionery of less than 15 grams or one-half ounce net weight per individual piece shall be exempt from the labeling requirements of this regulation when the container in which such confectionery is shipped is in conformance with the labeling requirements of this regulation. Similarly, when such confectionery items are sold in bags or boxes, such items shall be exempt from the labeling requirements of this regulation, including the required declaration of net quantity of contents, when the declaration of the bag or box meets the requirements of this regulation.

11.4. INDIVIDUAL SERVINGS. -- Individual-serving-size packages of foods containing less than 15 grams or 1/2 ounce or less than 15 milliliters or 1/2 fluid ounce for use in restaurants, institutions, and passenger carriers, and not intended for sale at retail, shall be exempt from the required declaration of net quantity of contents specified in this regulation.

11.5. CUTS, PLUGS, AND TWISTS OF TOBACCO AND CIGARS. -- When individual cuts, plugs, and twists of tobacco and individual cigars are shipped or delivered in containers that conform to the labeling requirements of this regulation, such individual cuts, plugs, and twists of tobacco and cigars shall be exempt from such labeling requirements.

11.6. REUSABLE (RETURNABLE) GLASS CONTAINERS. -- Nothing in this Regulation shall be deemed to preclude the continued use of reusable (returnable) glass containers: Provided, that such glass containers ordered after the effective date of this regulation shall conform to all requirements of this regulation.

11.7. CIGARETTES AND SMALL CIGARS. -- Cartons of cigarettes and smalll cigars, containing ten individual packages of twenty, labeled in accordance with the requirements of this regulation, shall be exempt from the requirements set forth in subsection 8.1.1. Location, subsection 8.2.1. Minimum Height of Numbers and Letters, and subsection 10.4. Multi-Unit Packages; Provided, that such cartons bear a declaration of the net quantity of commodity in the package.

11.8. PACKAGED COMMODITIES WITH LABELING REQUIREMENTS SPECIFIED IN FEDERAL LAW. -- Packages of meat and meat products, poultry products, tobacco and tobacco products, insecticides, fungicides, rodenticides, and alcoholic beverages shall be exempt from those portions of these regulations requiring dual declarations in customary units and specifying location and minimum type size of the net quantity declaration: Provided, that quantity labeling requirements for such products are specified in Federal Law, so as to follow reasonably sound principles of providing consumer information.

11.9. FLUID DAIRY PRODUCTS, ICE CREAM, AND SIMILAR FROZEN DESSERTS. --

(a) When packaged in 1/2-liquid-pint and 1/2-gallon containers, are exempt from the requirements for stating net contents of 8 fluid ounces and 64 fluid ounces, which may be expressed as 1/2 pint and 1/2 gallon, respectively.

(b) When packaged in 1-liquid-pint, 1-liquid-quart, and 1/2-gallon containers, are exempt from the dual net contents declaration requirements of subsection 6.7.3.

(c) When measured by and packaged in measure containers as defined in "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the requirements of subsection 8.1.1. that the declaration of net contents be located within the bottom 30 percent of the principal display panel.

(d) Milk and milk products when measured by and packaged in glass or plastic containers of 1/2-pint, 1-pint, 1-quart, 1/2-gallon, and 1-gallon capacities are exempt from the placement requirement of subsection 8.1.1. that the declaration of net contents be located within the bottom 30 percent of the principal display panel; Provided, that other required label information is conspicuously displayed on the cap or outside closure, and the required net quantity of contents declaration is conspicuously blown, formed, or molded on, or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

11.10. SINGLE STRENGTH AND LESS THAN SINGLE STRENGTH FRUIT JUICE BEVERAGES, IMITATIONS THEREOF, AND DRINKING WATER. --

(a) When packaged in glass, plastic, or fluid milk type paper containers of 8- and 64-fluid-ounce capacity, are exempt from the requirements of subsection 6.5. (b), to the extent that net contents of 8 fluid ounces and 64 fluid ounces (or 2 quarts) may be expressed as 1/2 pint (or half pint) and 1/2 gallon (or half gallon), respectively.

(b) When packaged in glass, plastic, or fluid milk type paper containers of 1-pint, 1-quart, and 1/2-gallon capacities, are exempt from the dual net contents declaration requirements of subsection 6.7.4.

(c) When packaged in glass or plastic containers of 1/2-pint, 1-pint, 1-quart, 1/2-gallon, and 1-gallon capacities, are exempt from the placement requirements of subsection 8.1.1. that the declaration of net contents be located within the bottom 30 percent of the principal display panel; Provided, that other label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed, or molded into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

11.11. SOFT-DRINK BOTTLES. -- Bottles of soft drinks shall be exempt from the placement requirements for the declaration of

(a) identity, when such declaration appears on the bottle closure, and

(b) quantity, when such declaration is blown, formed, or molded on or above the shoulder of the container and when all other information required by this regulation appears only on the bottle closure.

11.12. MULTI-UNIT SOFT-DRINK PACKAGES. -- Multi-unit packages of soft drinks are exempt from the requirement for a declaration of

(a) responsibility, when such declaration appears on the individual units and is not obscured by the multi-unit packaging, or when the outside container bears a statement to the effect that such declaration will be found on the individual units inside, and

(b) identity, when such declaration appears on the individual units and is not obscured by the multi-unit packaging.

11.13. BUTTER. -- When packaged in 4-ounce, 8-ounce, and 1-pound packages with continuous label copy wrapping, butter is exempt from the requirements that the statement of identity (subsection 3.1.1.) and the net quantity declaration (subsection 8.1.5.) be generally parallel to the base of the package. When packaged in 8-ounce and 1-pound units, butter is exempt from the requirement for location (subsection 8.1.1.) of net quantity declaration and, when packaged in 1-pound units, is exempt from the requirement for dual quantity declaration (subsection 6.7.2.).
[Amended 1980]

11.14. EGGS. -- Cartons containing 12 eggs shall be exempt from the requirement for location (subsection 8.1.1.) of net quantity declaration. When such cartons are designed to permit division in half, each half shall be exempt from the labeling requirements of this regulation if the undivided carton conforms to all such requirements.

11.15. FLOUR. -- Packages of wheat flour in conventional 2-, 5-, 10-, 25-, 50-, and 100-pound packages shall be exempt from the requirement in this regulation for location (subsection 8.1.1.) of the net quantity declaration and, when packaged in units of 2 pounds, shall be exempt also from the requirement for a dual quantity declaration (subsection 6.7.2.).
[Amended 1980]

11.16. SMALL PACKAGES. -- On a principal display panel of 5 square inches or less, the declaration of quantity need not appear in the bottom 30% of the principal display panel if that declaration satisfies the other requirements of this regulation.
[Amended 1980]

11.17. DECORATIVE CONTAINERS. -- The principal display panel of a cosmetic marketed in a "boudoir-type" container including decorative cosmetic containers of the "cartridge," "pill box," "compact," or "pencil" variety, and those with a capacity of 1/4 ounce or less, may be a tear-away tag or tape affixed to the decorative container and bearing the mandatory label information as required by this regulation.
[Amended 1980]

11.18. COMBINATION PACKAGES. -- Combination packages are exempt from the requirements in this regulation for

(a) Location (see subsection 8.1.1.),

(b) Free area (see subsection 8.1.4.), and

(c) Minimum Height of Numbers and Letters (see subsection 8.2.1.).

11.19. MARGARINE. -- Margarine in 1 pound rectangular packages, except for packages containing whipped or soft margarine or packages containing more than four sticks, shall be exempt from the requirement in this regulation for location (see subsection 8.1.1.) of the net quantity declaration, and shall be exempt from the requirement for a dual quantity declaration (see subsection 6.7.2.).
[Amended 1980]

11.20. CORN FLOUR AND CORN MEAL. -- Corn flour and corn meal packaged in conventional 5-, 10-, 25-, 50-, and 100-pound bags shall be exempt from the requirement in this regulation for location (see subsection 8.1.1.) of the net quantity declaration .
[Amended 1978, 1980]

11.21. PRESCRIPTION AND INSULIN-CONTAINING DRUGS. -- Prescription and insulin-containing drugs subject to the provisions of Section 503(b) (1) or 506 of the Federal Food, Drug, and Cosmetic Act shall be exempt from the provisions of this regulation.

11.22. CAMERA FILM. -- Camera film packaged and labeled for retail sale is exempt from the net quantity statement requirements of this regulation which specify how measurement of commodities should be expressed; Provided, that

(a) The net quantity of contents on packages of movie film and bulk still film is expressed in terms of the number of linear meters or feet of usable film contained therein.

(b) The net quantity of contents on packages of movie film is expressed in terms of the running time of the exposed film for that portion of film which is of entertainment value.

"Entertainment value" is defined as that portion of a film that commences with the first frame of sound or picture, whichever comes first after the countdown sequence and ends with either: (a) the last frame of credits; or (b) the last frame of the phrase "The End", or (c) the end of sound whichever is last.
[Added 1976, amended 1979]

(c) The net quantity of contents on packages of still film is expressed in terms of the number of exposures the contents will provide. The length and width measurements of the individual exposures, expressed in millimeters or inches, are authorized as an optional statement. (Example: "36 exposures, 36 millimeters X 24 millimeters" or "12 exposures, 2-1/4 inches X 2-1/4 inches")

11.23. PAINTS AND KINDRED PRODUCTS. --

(a) Paints, varnishes, lacquers, thinners, removers, oils, resins, and solvents, when packed in 1-liquid-pint and 1-liquid-quart units shall be exempt from the dual quantity declaration requirements of subsection 6.7.3.

(b) Tint base paint may be labeled on the principal display panel, as required by this regulation, in terms of a quart or a gallon including the addition of colorant selected by the purchaser, provided that the system employed ensures that the purchaser always obtains a quart or a gallon; and further provided that in conjunction with the required quantity statement on the principal display panel, a statement indicating that the tint base paint is not to be sold without the addition of colorant is presented; and further provided that the contents of the container, before the addition of colorant, is stated in fluid ounces elsewhere on the label.

Wherever the above conditions cannot be met, containers of tint base paint must be labeled with a statement of the actual net contents prior to the addition of colorant in full accord with all the requirements of this regulation.
[Added 1972, amended 1980]

11.24. AUTOMOTIVE COOLING SYSTEM ANTIFREEZE. -- Antifreeze, when packed in 1-liquid-quart units, in metal or plastic containers, shall be exempt from the dual quantity declaration requirements of subsection 6.7.3.

11.25. MOTOR OILS. -- Motor oils, when packed in 1-liquid-quart units, shall be exempt from the dual quantity declaration requirements of subsection 6.7.3. Additionally, motor oil in 1-liquid-quart, 1-gallon, 1-1/4-gallon, 2-gallon, and 2-1/2-gallon units, bearing the principal display panel on the body of the container, is exempt from the requirements, of SECTION 3. DECLARATION OF IDENTITY: CONSUMER PACKAGE, to the extent that the Society of Automotive Engineers (SAE) viscosity number is required to appear on the principal display panel, provided the SAE viscosity number appears on the can lid and is expressed in letters and numerals in type size of at least 6 millimeters or 1/4 inch.
[Amended 1974, 1980]

11.26. PILLOWS, CUSHIONS, COMFORTERS, MATTRESS PADS, SLEEPING BAGS, AND SIMILAR PRODUCTS. -- Those products, including pillows, cushions, comforters, mattress pads, and sleeping bags, that bear a permanent label as designated by the Association of Bedding and Furniture Law Officials or by the California Bureau of Home Furnishings shall be exempt from the requirements for location (Section 8.1.1.), size of letters or numbers (Section 8.2.1. and 8.2.2.), free area (Section 8.1.4.) and the declarations of identity and responsibility (Sections 3.1. and 5.); Provided, that declarations of identity, quantity, and responsibility are presented on a permanently attached label and satisfy the other requirements of this Regulation, and further provided that the information on such permanently attached label be fully observable to the purchaser.
[Added 1973]

11.27. COMMODITIES' VARIABLE WEIGHTS AND SIZES. -- Individual packaged commodities put up in variable weights and sizes for sale intact, and intended to be weighed and marked with the correct quantity statement prior to or at the point of retail sale, are exempt from the requirements of SECTION 6. DECLARATION OF QUANTITY: CONSUMER PACKAGES, while moving in commerce and while held for sale prior to weighing and marking; Provided, that the outside container bears a label declaration of the total net weight.
[Added 1973]

11.28. PACKAGED COMMODITIES SOLD BY COUNT. -- When a packaged consumer commodity is properly measured in terms of count only, or in terms of count and some other appropriate unit, and the individual units are fully visible to the purchaser, such packages shall be labeled in full accord with this regulation except that those containing 6 or less items need not include a statement of count.
[Added 1973]

11.29. FISHING LINES AND REELS. -- Packaged fishing lines and reels are exempt from the dual quantity declaration requirements of Section 6.7.6. (a); Provided, that quantity or capacity, as appropriate is presented in terms of meters or yards in full accord with all other requirements of this regulation. [Added 1973]

SECTION 12. VARIATIONS TO BE ALLOWED

12.1. PACKAGING VARIATIONS. --

12.1.1. VARIATIONS FROM DECLARED NET QUANTITY. -- Variations from the declared net weight, measure, or count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packaging practice, but such variations shall not be permitted to such extent that the average of the quantities in the packages of a particular commodity, or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. Variations above the declared quantity shall not be unreasonably large.

12.1.2. VARIATIONS RESULTING FROM EXPOSURE. -- Variations from the declared weight or measure shall be permitted when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate commerce: Provided, that the phrase "introduced into intrastate commerce" as used in this paragraph shall be construed to define the time and the place at which the first sale and delivery of a package is made within the State, the delivery being either

(a) directly to the purchaser or to his agent, or

(b) to a common carrier for shipment to the purchaser, and this paragraph shall be construed as requiring that, so long as a shipment, delivery, or lot of packages of a particular commodity remains in the possession or under the control of the packager or the person who introduces the package into intrastate commerce, exposure variations shall not be permitted.

12.2. MAGNITUDE OF PERMITTED VARIATIONS. -- The magnitude of variations permitted under Sections 12., 12.1., 12.1.1., and 12.1.2. of this regulation shall be those expressly set forth in this regulation and those contained in the procedures and tables of National Bureau of Standards Handbook 67, Checking Prepackaged Commodities.
[Amended 1976, 1980]

SECTION 13. RETAIL SALE PRICE REPRESENTATIONS

13.1. "CENTS-OFF" REPRESENTATIONS. --

(a) The term "cents-off representation" means any printed matter consisting of the words "cents-off" or words of similar import (bonus offer, 2 for 1 sale, 1¢ sale, etc.), placed upon any consumer package or placed upon any label affixed or adjacent to such package, stating or representing by implication that it is being offered for sale at a price lower than the ordinary and customary retail sale price.
[Amended 1982]

(b) Except as set forth in Section 13.2., the packager or labeler of a consumer commodity shall not have imprinted thereon a "cents-off" representation unless:

(1) The commodity has been sold at an ordinary and customary price in the most recent and regular course of business where the "cents-off" promotion is made.

(2) The commodity so labeled is sold at a reduction from the ordinary and customary price, which reduction is at least equal to the amount of the "cents-off" representation imprinted on the commodity package or label.

(3) Each "cents-off" representation imprinted on the package or label is limited to a phrase which reflects that the price marked by the retailer represents the savings in the amount of the "cents-off" the retailer's regular price; e.g., "Price Marked is _____¢ Off the Regular Price," "Price Marked is _____ Cents off the Regular Price of this Package"; provided, the package or label may in addition bear in the usual pricing spot a form reflecting a space for the regular price, the represented "cents-off" and a space for the price to be paid by the consumer.

(4) The commodity at retail presents the regular price, designated as the "regular price," clearly and conspicuously on the package or label of the commodity or on a sign, placard, or shelf-marker placed in a position contiguous to the retail display of the "cents-off" marked commodity.

(5) a. Not more than three "cents-off" promotions of any single size commodity may be initiated in the same trade area within a twelve-month period;

b. At least 30 days must lapse between "cents-off" promotions of any particular size packaged or labeled commodity in a specific trade area; and

c. Any single size commodity so labeled may not be sold in a trade area for a duration in excess of 6 months within any twelve-month period.

(6) Sales of any single size commodity so labeled in a trade area do not exceed in volume fifty percent (50%) of the total volume of sales of such size commodity in the same trade area during any twelve-month period. The twelve-month period may be the calendar, fiscal, or market year provided the identical period is applied in this subparagraph and subparagraph (5) of this paragraph. Volume limits may be calculated on the basis of projections for the current year but shall not exceed 50 percent of the sales for the preceding year in the event actual sales are less than the projection for the current year.

(c) No "cents-off" promotion shall be made available in any circumstances where it is known or there is reason to know that it will be used as an instrumentality for deception or for frustration of value comparison, e.g., where the retailer charges a price which does not fully pass on to the consumers the represented price reduction or where the retailer fails to display the regular price in the display area of the "cents-off" marked product.

(d) The sponsor of a "cents-off" promotion shall prepare and maintain invoices or other records showing compliance with this section. The invoices or other records required by this section shall be open to inspection and shall be retained for a period of one year subsequent to the end of the year (calendar, fiscal, or market) in which the "cents-off" promotion occurs.

[Added 1972]

13.2. INTRODUCTORY OFFERS. --

(a) The term "introductory offer" means any printed matter consisting of the words "introductory offer" or words of similar import, placed upon a package containing any new commodity or upon any label affixed or adjacent to such new commodity, stating or representing by implication that such new commodity is offered for retail sale at a price lower than the anticipated ordinary and customary retail sale price.

(b) The packager or labeler of a consumer commodity may not have imprinted thereon an introductory offer unless:

(1) The product contained in the package is new, has been changed in a functionally significant and substantial respect, or is being introduced into a trade area for the first time.

(2) Each offer on a package or label is clearly and conspicuously qualified.

(3) No commodity so labeled is sold in a trade area for duration in excess of 6 months.

(4) At the time of making the introductory offer promotion, the offerer intends in good faith to offer the commodity, alone, at the anticipated ordinary and customary price for a reasonably substantial period of time following the duration of the introductory offer promotion.

(c) The packager or labeler of a consumer commodity shall not have imprinted thereon an introductory offer in the form of a "cents-off" representation unless, in addition to the requirements in paragraph (b) of this section:

(1) The package or label clearly and conspicuously and in immediate conjunction with the phrase "Introductory Offer" bears the phrase "_____ cents-off the after-introductory offer price."

(2) The commodity so labeled is sold at a reduction from the anticipated ordinary customary price, which reduction is at least equal to the amount of the reduction from the after-introductory offer price representation on the commodity package or label.

(d) No introductory offer with a "cents-off" representation shall be made available in any circumstance where it is known or there is reason to know that it will be used as an instrumentality for deception or for frustration of value comparison, e.g., where the retailer charges a price which does not fully pass on to consumers the represented price reduction.

(e) The sponsor of an introductory offer shall prepare and maintain invoices or other records showing compliance with this section. The invoices or other records showing compliance with this section. The invoices or other records required by this section shall be open to inspection and shall be retained for a period of one year subsequent to the period of the introductory offer.

[Added 1972]

13.3. ECONOMY SIZE. --

(a) The term "economy size" means any printed matter consisting of the words "economy size," "economy pack," "budget pack," "bargain size," "value size,"or words of similar import placed upon any package containing any consumer commodity or placed upon any label affixed or adjacent to such commodity, stating or representing directly or by implication that a retail sale price advantage is accorded the purchaser thereof by reason of the size of that package or the quantity of its contents.

(b) The packager or labeler of a consumer commodity may not have imprinted thereon an "economy" size representation unless:

(1) At the same time the same brand of the commodity is offered in at least one other packaged size or labeled form.

(2) Only one packaged or labeled form of that brand of commodity labeled with an "economy size" representation is offered.

(3) The commodity labeled with an "economy size" representation is sold at a price per unit of weight, volume, measure, or count which is substantially reduced (i.e., at least 5 percent) from the actual price of all other packaged or labeled units of the same brand of that commodity offered simultaneously.

(c) No "economy size" package shall be made available in any circumstances where it is known that it will be used as an instrumentality for deception, e.g., where the retailer charges a price which does not pass on to the consumer the substantial reduction in cost per unit initially granted.

(d) The sponsor of an "economy size" package shall prepare and maintain invoices or other records showing compliance with paragraph (b) of this section. The invoices or other records required by this section shall be open to inspection and shall be retained for one year.

[Added 1972]

SECTION 14. REVOCATION OF CONFLICTING REGULATIONS

All provisions of all orders and regulations heretofore issued on this same subject that are contrary to or inconsistent with the provisions of this regulation, and specifically _____ _____ are hereby revoked.

SECTION 15. EFFECTIVE DATE

This regulation shall become effective on _____.

Given under my hand and the seal of my office in the City of _____, on this _____ day of _____,

SIGNED _____

APPENDIX: Metric/Inch-Pound Conversion Factors

Length

1 inch = 2.54 cm*	1 millimeter = 0.039 370 1 in
1 foot = 30.48 cm*	1 centimeter = 0.393 701 in
1 yard = 0.9144 m*	1 meter = 3.280 84 ft

Area

1 square inch = 6.4526 cm^2*	1 square centimeter = 0.155 000 in^2
1 square foot = 926.030 cm^2	1 square decimeter = 0.107 639 ft^2
1 square yard = 0.836 127 m^2	1 square meter = 10.763 9 ft^2

Volume or Capacity

1 cubic inch = 16.3871 cm^3	1 cubic centimeter = 0.061 023 7 in^3
1 cubic foot = 0.028 316 8 m^3	1 cubic decimeter = 0.035 314 7 ft^3
1 cubic yard = 0.764 555 m^3	1 cubic meter = 35.314 7 ft^3
	1 cubic meter = 1.207 95 yd^3
1 ounce (fluid) = 29.573 5 mL	1 milliliter = 0.033 814 0 oz (fluid)
1 pint (liquid) = 473.177 mL or 0.473 177 L	1 liter = 1.056 69 qt (liquid)
1 quart (liquid) = 946.353 mL or 0.946 353 L	1 liter = 0.264 172 gal
1 gallon = 3.785 41 L	
1 bushel = 35.2391 L	

Weight (mass)

1 ounce = 28.349 5 g	1 milligram = 0.000 035 274 0 oz
1 pound = 453.592 g or 0.453 kg	0.015 432 4 grain
	1 gram = 0.035 274 0 oz
	1 kilogram = 2.204 62 lb

Temperature

$t_{o_C} = \frac{5}{9} (t_{o_F} - 32)$ *

$t_{o_F} = 1.8\ t_{o_C} + 32$*

NOTE: These conversion factors are given to six significant digits in the event such accuracy is necessary. See Section 6.11.3. Rounding for information about the use of conversion factors in labeling.

*Exactly

MODEL STATE REGULATION FOR THE METHOD OF SALE OF COMMODITIES
1983

as adopted by
The National Conference on Weights and Measures

1. BACKGROUND

The National Conference on Weights and Measures has long been concerned with the proper units of measurement to be used in the sale of all commodities. For many years, the Conference made recommendations concerning particular commodities. Requirements for individual products were at one time made a part of the Model State Weights and Measures Law or were embodied in separate individual regulations. Subsequently, this Model State Method of Sale of Commodities Regulation was established in 1971 and amendments have been adopted by the Conference almost annually since that time.

The 1979 edition included, for the first time, requirements for items packaged in metric quantities as well as continuing to present requirements for inch-pound quantities. It should be stressed that nothing in this regulation requires changing to the metric system of measurement. Metric values are given for the guidance of those wishing to adopt new metric quantities of the commodities governed by this regulation.

As of the 1977 edition of this publication, amended and added dates are shown for each section. Sections with 1971 added dates refer to those sections which were originally incorporated in the Model State Weights and Measures Law or in individual regulations; in 1971, they were compiled to comprise the first official printing of the Method of Sale of Commodities Regulation. Subsequent dates reflect the actual amendment or addition dates.

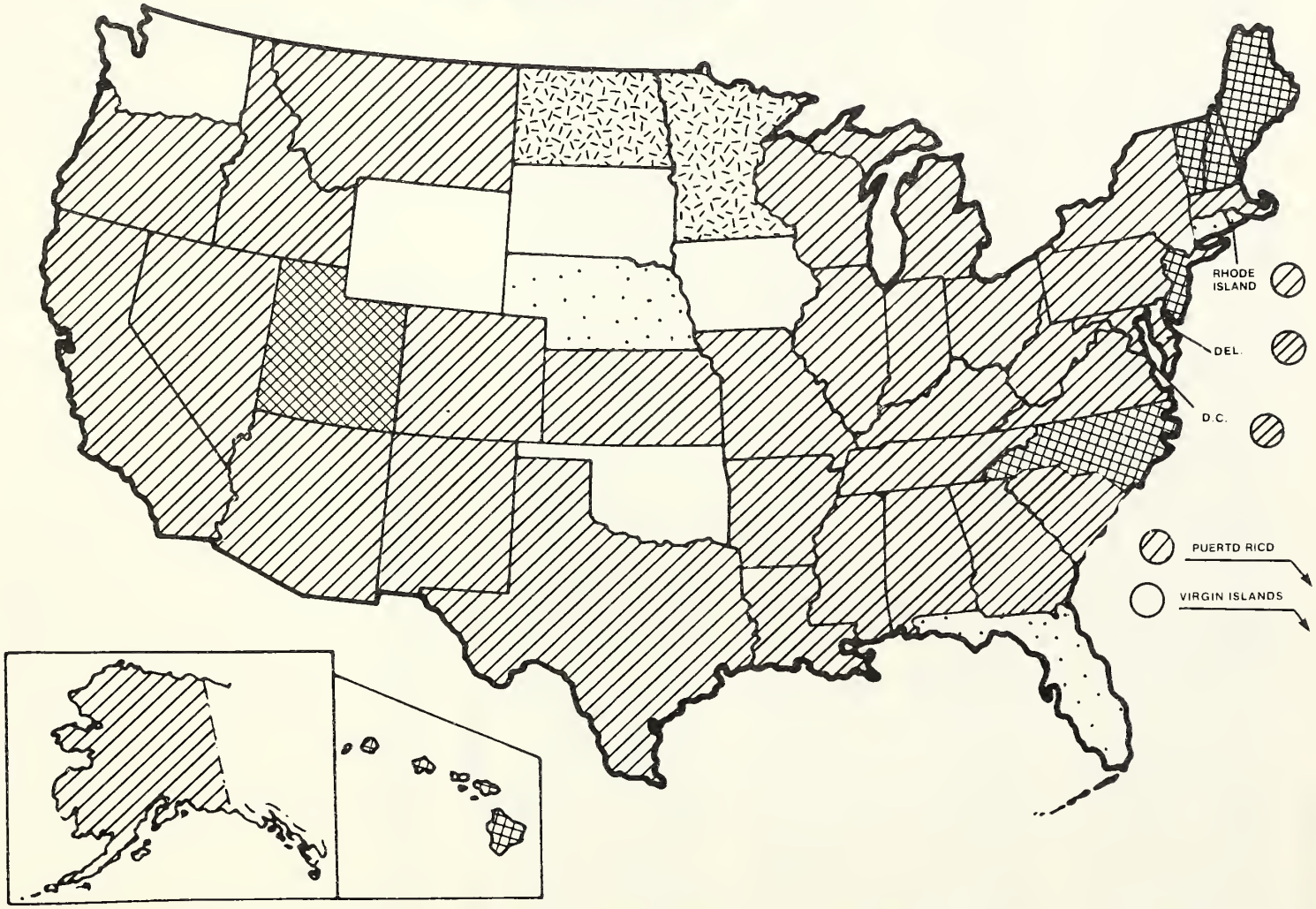
This regulation assimilates all of the actions periodically taken by the Conference with respect to certain food items, non-food items, and general method of sale concepts. Its format is such that it will permit the addition of individual items as need arises at the end of appropriate sections. Its adoption as a regulation by individual jurisdictions will eliminate the necessity for legislative considerations of necessary changes in the method of sale of particular commodities. Such items will be able to be handled through the normal regulation-making process.

2. STATUS OF PROMULGATION

The map on the following page shows the status of promulgation of the Model State Method of Sale of Commodities Regulation.

The National Conference on Weights and Measures is sponsored by the National Bureau of Standards in partial implementation of its statutory responsibility for "cooperation with the States in securing uniformity in weights and measures laws and methods of inspection."

STATUS OF STATE ADOPTION OF METHOD OF SALE LAW OR REGULATION, 1982



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SECTION 1. FOOD PRODUCTS*

1.1. BERRIES AND SMALL FRUITS. -- Shall be offered and exposed for sale and sold by weight, or by measure in open measure containers having capacities per subsection 1.1(a) or subsection 1.1(b) and when sold by measure, the containers shall be deemed not to be packages for labeling purposes.

(a) Inch-Pound Capacities - 1/2 dry pint, 1 dry pint, or 1 dry quart.

(b) Metric Capacities - 250 milliliters, 500 milliliters, or 1 liter. (Effective January 1, 1982)
[Added 1979]

1.2. BREAD. -- Each loaf and each unit of a twin or multiple loaf made or procured for sale, kept, offered, exposed for sale, or sold, whether or not wrapped or sliced, shall have a weight per subsection 1.2(a) or subsection 1.2(b); Provided, that the provisions of this section shall not apply to biscuits, buns, or rolls of inch-pound sizes 4 ounces or less or of metric sizes 100 grams or less or to "stale bread" sold and expressly represented at the time of sale as such, and when so sold, the wrappers shall be deemed not to be packages for labeling purposes.

(a) Inch-Pound Weights - 1/2 pound, 1 pound, 1-1/2 pounds, or a multiple of 1 pound.

(b) Metric Weights - 250 grams, 500 grams, 750 grams, or a multiple of 500 grams. (Effective January 1, 1982)
[Added 1979]
[Amended 1980]

1.3. BUTTER, OLEOMARGARINE, AND MARGARINE.†-- Shall be offered and exposed for sale and sold by weight per subsection 1.3(a) or subsection 1.3(b).

(a) Inch-Pound Weights - 1/4 pound, 1/2 pound, 1 pound, or a multiple of 1 pound.

(b) Metric Weights - 125 grams, 250 grams, 500 grams, or a multiple of 500 grams. (Effective January 1, 1982)
[Added 1979]

1.4. FLOUR, CORN MEAL, AND HOMINY GRITS. -- Wheat flour, whole wheat flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromated flour, corn flour, corn meal, and hominy grits, whether enriched or not, shall be packaged, kept, offered, or exposed for sale, or sold only in weights per subsection 1.4(a) or subsection 1.4(b); Provided, that inch-pound sizes less than 2 pounds or more than 100 pounds and that metric sizes less than 1 kilogram or more than 50 kilograms shall be permitted.

(a) Inch-Pound Weights - 2, 5, 10, 25, 50, or 100 pounds.

(b) Metric Weights - 1, 2.5, 5, 10, 25, or 50 kilograms. (Effective January 1, 1982)
[Added 1979]

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*Packages subject to the Federal Fair Packaging and Labeling Act must be labeled in inch-pound units of measure. Metric units may also be declared on the principal display panel and may even appear first. [Added 1982]

†Oleomargarine and margarine are not permitted in multiples of one pound, 500 grams, or multiples of 500 grams because Section 407(b) (2) of the Federal Food, Drug, and Cosmetic Act prohibits margarine and oleomargarine packaged in sizes greater than one pound. [Added 1982]

1.5. MEAT, POULTRY, AND SEAFOOD. -- Shall be sold by weight, except the following, which may be sold by weight, measure, or count:

(a) shellfish;

(b) items sold for consumption on the premises;

(c) items sold as one of several elements comprising a ready-to-eat meal sold as a unit for consumption elsewhere than on the premises where sold;

(d) items sold as part of a sandwich.

When meat, poultry, or seafood is combined with some other food element to form a distinctive food product, the quantity representation may be in terms of the total weight of the product or combination, and a quantity representation need not be made for each element.

In the case of ready-to-cook, stuffed poultry or meat products, the label must show the total net weight of the stuffed poultry or meat product and the minimum net weight of the poultry or meat in the product excluding the meat or poultry that may be part of the stuffing.
[Amended 1982]

1.6. FLUID MILK PRODUCTS. -- All fluid milk products, including but not limited to milk, lowfat milk, skim milk, cultured milks and cream shall be packaged for retail sale only in volumes per subsection 1.6(a), or subsection 1.6(b) or (c): Provided, that inch-pound sizes less than 1 gill and metric sizes less than 100 milliliters shall be permitted.

(a) Inch-Pound Volumes - 1 gill, 1/2 liquid pint, 10 fluid ounces, 1 liquid pint, 1 liquid quart, 1/2 gallon, 1 gallon, 1-1/2 gallons, 2 gallons, 2-1/2 gallons, or multiples of 1 gallon.

(b) Metric Volumes - 125 milliliters, 250 milliliters, 500 milliliters, 1 liter, or multiples of 1 liter (effective January 1, 1982).
[Added 1979, amended 1982]

1.7. OTHER MILK PRODUCTS. -- Cottage cheese, cottage cheese products, and other milk products which are solid, semi-solid, viscous, or a mixture of solid and liquid, as defined in the Pasteurized Milk Ordinance of the U.S. Public Health Service, as amended in 1965, shall be sold in terms of weight: Provided, that cottage cheese, cottage cheese products, sour cream, and yogurt shall be packaged for retail sale only in weights per subsection 1.7(a) or subsection 1.7(b) or (c): and Provided further, that multipack or single serving inch-pound sizes of 6 ounces or less shall be sold only in whole ounce increments, and that metric sizes of 200 grams or less shall be sold only in 25-gram increments.

(a) Inch-Pound Weights - 8, 12, 16, 24, 32, 64, 80, and 128 ounces avoirdupois.

(b) Metric Weights - 250, 375, 500, 750 grams; 1, 2, and 4 kilograms (effective January 1, 1982).
[Added 1979]
[Amended 1982]

(Standard package sizes shall apply to low fat and dry curd cottage cheese products as of July 1, 1976.)
[Amended 1975, 1976]

1.7.1. PREPACKAGED ICE CREAM AND SIMILAR FROZEN PRODUCTS. -- Ice cream, ice milk, frozen yogurt, and similar products shall be packaged for sale in terms of fluid measure.
[Added 1979]

1.8. PICKLES. -- The declaration of net quantity of contents on pickles and pickle products, including relishes but excluding one or two whole pickles in a transparent wrapping which may be declared by count, shall be expressed in terms of liquid measure. Sales of pickles from bulk may be by count.

1.9. PRICING OF BULK FOOD COMMODITIES. -- Bulk food commodities or food commodities not in package form and sold by weight shall be priced in terms of whole units of weight and not in common or decimal fractions (effective January 1, 1977).
[Added 1976]

1.10. GENERIC TERMS FOR MEAT CUTS. -- A declaration of identity for meat cuts shall be limited to generic terms, such as those listed in the Uniform Retail Meat Identity Standards.

The following abbreviations may be used:

BAR B Q	Barbecue	POT-RST	Pot Roast
BI	Bone In	RND	Round
BNLS	Boneless	RST	Roast
DBLE	Double	SHLDR	Shoulder
LGE	Large	SQ	Square
N. Y. (NY)	New York	STK	Steak
PK	Pork	TRMD	Trimmed

[Added 1976]

1.11. SALE OF MEAT BY CARCASS, SIDE OR PRIMAL CUT. -- At the time of delivery of bulk meat to the purchaser, the seller shall provide a written statement giving the following information:

(a) The name and address of the seller (firm).

(b) The date of the sale.

(c) The name and address of the purchaser.

(d) The identity in the most descriptive terms commercially practicable.

(e) The quality grade and yield grade, if so represented.

(f) The price per pound before cutting and wrapping and the total price of the sale.

(g) The total net weight (hanging weight) of the carcass, side, or primal cut prior to cutting or processing.

(h) The total net weight of the cut and processed meat delivered to the purchaser.

(i) A list by name of all cuts delivered.

(j) An itemized list of any and all charges over and above the original sale price of the carcass, side, or primal cut.

(k) A separate indication of the quantity of any meat or other commodity(s) received by the purchaser as an inducement in connection with the purchase of the carcass, side, or primal cut.

[Added 1977, amended 1980]

SECTION 2. NONFOOD PRODUCTS.*

2.1. FENCE WIRE PRODUCTS. -- Rolls of fence wire products shall be sold by

(a) Gauge of wire.

(b) Height in terms of inches or centimeters, if applicable.

(c) Length in terms of rods, meters or feet.
[Added 1979]

2.2. COATINGS. -- Asphalt paints, coatings, and plastics shall be sold in terms of liquid measure.

2.3. FIREPLACE AND STOVE WOOD. -- For the purpose of this regulation, this section shall apply to the sale of all wood, natural and processed, for use as fuel.

2.3.1. DEFINITIONS. --

2.3.1.1. FIREPLACE AND STOVE WOOD. -- Any kindling logs, boards, timbers or other wood, split or not split, advertised, offered for sale, or sold as fuel.

2.3.1.2. CORD. -- The amount of wood which is contained in a space of 128 cubic feet, when the wood is ranked and well stowed. For the purpose of this regulation, "ranked and well stowed" shall be construed to mean that pieces of wood are placed in a line or row, with individual pieces touching and parallel to each other, and stacked in a compact manner.

2.3.1.3 REPRESENTATION. -- A "representation" shall be construed to mean any advertisement, offering, invoice, or the like that pertains to the sale of fireplace or stove wood.

2.3.2. IDENTITY. -- A representation may include a declaration of identity that indicates the species group (Example: 50% hickory, 50% miscellaneous softwood). Such a representation shall indicate, within ten percent accuracy, the percentages of each group.

2.3.3. QUANTITY. -- Wood, of any type, for use as fuel shall be advertised, offered for sale and sold only by measure, using the term "cord" and fractional parts of a cord, or the cubic meter; except that wood, natural or processed, offered for sale in packaged form shall display the quantity in terms of cubic feet, to include fractions of cubic feet or cubic meters, to include decimal fractions of cubic meters. A single log shall be sold by weight, and packages of such individual logs containing less that 4 cubic feet (1/32 cord) if sold by inch-pound volume, or less than one-tenth cubic meter if sold by metric volume may be sold by net weight plus count.
[Amended 1976]

2.3.4. PROHIBITION OF TERMS. -- The terms "face cord," "rack," "pile," "truckload," or terms of similar import shall not be used when advertising, offering for sale, or selling wood for use as fuel.

2.3.5. DELIVERY TICKET OR SALES INVOICE. -- A delivery ticket or sales invoice shall be presented by the seller to the purchaser whenever any nonpackaged fireplace or stove wood is sold. The delivery ticket or sales invoice shall contain at least the following information:

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*Packages subject to the Federal Fair Packaging and Labeling Act must be labeled in inch-pound units of measure. Metric units may also be declared on the principal display panel and may even appear first. [Added 1982]

(a) the name and address of the vendor;

(b) the name and address of the purchaser;

(c) the date delivered;

(d) the quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity;

(e) the price of the amount delivered;

(f) the identity in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale.

[Added 1975]

2.4. PEAT AND PEAT MOSS. -- Applies only with respect to organic matter of geological origin, excluding coal and lignite, originating principally from dead vegetative remains through the agency of water in the absence of air and occurring in a bog, swampland, or marsh, and containing an ash content not exceeding 25 percent on a dry-weight basis (dried in an oven at 105 °C (221 °F) until no further weight loss can be determined).

2.4.1. DECLARATION OF QUANTITY. -- The declaration of quantity of peat and peat moss shall be expressed in weight units or in cubic-measure units.

2.4.2. UNITS. --

2.4.2.1. WEIGHT. -- Peat and peat moss sold in terms of weight shall be offered and exposed for sale only in weights per subsection 2.4.2.1(a) or subsection 2.4.2.1(b).

(a) Inch-Pound Weights - 50, 40, 20, 10, or 3 pounds.

(b) Metric Weights - 20, 10, 5, 2, or 1 kilogram.
[Added 1979]
[Amended 1975]

2.4.2.2. CUBIC MEASURE. -- Peat and peat moss sold in terms of cubic measure shall be offered and exposed for sale only in volumes per subsection 2.4.2.2(a) or subsection 2.4.2.2(b). If the commodity is labeled in terms of compressed cubic measurement, the quantity declaration shall represent the quantity in the compressed state and the quantity from which the final product was compressed (the latter declaration not exceeding the actual amount of material that can be recovered).

(a) Inch-Pound Volumes - 6, 5.5, 4, 2, 1, 0.7, 0.5, 0.3, or 0.2 cubic feet.

(b) Metric Volumes - 200, 100, 50, 20, 10, or 5 liters.
[Added 1979]

2.5. PREFABRICATED UTILITY BUILDINGS. -- These buildings shall be offered for retail sale on the basis of usable inside space as follows:

(a) length, measured from inside surface of wall panels at the base;

(b) width, measured from inside surface of wall panels at the base;

(c) height, measured from the base to the top of the shortest wall panel.

Inside dimensions in inch-pound units shall be declared to the nearest inch; inside dimensions in metric units shall be declared to the nearest 0.01 meter.

If total usable inside space is declared in a supplemental declaration, it shall be to the nearest cubic decimeter or cubic foot.
[Added 1975]

2.6. ROOFING AND ROOFING MATERIAL. -- Shall be sold either by the square, or by the square foot only, if sold in inch-pound units or by the square meter only if sold in metric units.
[Amended 1979]

2.6.1. DEFINITIONS. --

2.6.1.1. SQUARE METER. -- The term "square meter" shall mean the quantity of roofing or roofing material that, when applied according to the directions or instructions of the manufacturer, will cover one square meter exclusive of side laps or side joints.
[Added 1979]

2.6.1.2. SQUARE. -- The term "square" shall mean the quantity of roofing or roofing material that, when applied according to directions or instructions of the manufacturer, will cover an area of 100 square feet exclusive of side laps or side joints: Provided, that, in the case of roofing or roofing material of corrugated design, the side lap or side joint shall be one full corrugation.

2.6.1.3. SQUARE FOOT. -- the term "square foot" shall mean the quantity of roofing or roofing material that, when applied according to the directions or instructions of the manufacturer, will cover one square foot (144 square inches) exclusive of side laps or side joints.

2.6.2. DECLARATION OF QUANTITY. -- When the declaration of quantity on a package of roofing or roofing material contains the term "square," it shall include, plainly and conspicuously, a numerical definition of the term "square"; for example, "One square covers 100 square feet of roof area."

2.6.2.1. COMMON FRACTIONS. -- The use of the common fraction one-third (1/3) is specifically authorized in the quantity statement of a package of roofing or roofing material when, and only when, used as the common fraction of the "square."

2.6.2.2. QUANTITY STATEMENT. -- The primary declaration if in inch-pound units shall only be in terms of squares or square feet, and if in metric units shall only be in terms of square meters. There is no prohibition against the use of supplementary quantity declarations, such as shingle dimensions, but in no case shall the weight of the material be stated or implied. However, the use of numerical descriptions for rolls of felt roofing material may continue to be used.
[Amended 1979]
[Added 1971]

2.7. SEALANTS. -- Calking compounds, glazing compounds, and putty shall be sold in terms of liquid measure, except that rope calk shall be sold by weight.
[Added 1971, amended 1981]

2.8. SOD AND TURF. --

2.8.1. APPLICATION. -- For the purpose of this regulation this section shall apply to all sod, including turf sod, turf plugs and turf sprigs.

2.8.2. DEFINITIONS. --

2.8.2.1. SOD. -- Sod shall mean "turf sod," "turf plugs," or "turf sprigs" of a single kind or variety or a mixture of kinds and varieties.

2.8.2.2. TURF. -- Turf shall mean a live population of one or more kinds of grasses, legumes or other plant species used for lawns, recreational use, soil erosion control or other such purposes.

2.8.2.3. TURF PLUG. -- Turf plug shall mean a small section cut from live turf of those kinds of turf normally vegetatively propagated (such as zoysia grass), which when severed contain sufficient plant material to remain intact.

2.8.2.4. TURF SOD. -- Shall mean a strip or section of live turf, which when severed, contains sufficient plant material to remain intact.

2.8.2.5. TURF SPRIG. -- Shall mean a live plant, stolon, crown or section cut from stolonifera plants used as turf.

2.8.3. QUANTITY. -- Sod shall be advertised, offered for sale and sold by measure or by a combination of count and measure as pre-scribed by this subsection.

(a) Turf sod - Turf sod shall be advertised for sale and sold in terms of the square meter, square foot, or square yard, as appropriate.
[Amended 1979]

(b) Turf plugs. - Turf plugs shall be advertised for sale and sold in terms of count, combined with a statement of the plug diameter.

(c) Turf sprigs. - Turf sprigs shall be advertised for sale and sold in terms of the liter or bushel.
[Amended 1979]

[Added 1976]

2.9. SOFTWOOD LUMBER. -- Applies to softwood boards, timbers, and dimension lumber that have been dressed on four sides, but shall not apply to rough lumber, to lumber that has been matched, patterned, or shiplapped, or to lumber remanufactured or joined so as to have changed the form or identity, such as individual assembled, or packaged millwork items. (Values in metric units for softwood lumber will not be added until a new standard is developed to cover metric softwood lumber.)

2.9.1. DEFINITIONS. --

2.9.1.1. DRESSED (SURFACED) LUMBER. -- Lumber that has been dressed (or surfaced) for the purpose of attaining smoothness of surface and uniformity of size.

2.9.1.2. BOARDS. -- Lumber 1-1/4 inches or less in actual thickness and 1-1/2 inches or more in actual width. Lumber less than 1-1/2 inches in actual width may be classified as strips.

2.9.1.3. TIMBERS. -- Lumber 1-1/2 inches or more in least actual dimension. Timber may be classified as beams, stringers, posts, caps, sills, girders, purlins, etc.

2.9.1.4. DIMENSION LUMBER. -- Lumber from 1-1/2 inches to, but not exceeding 4-1/2 inches in actual thickness, and 1-1/2 inches or more in actual width. Dimension lumber may be classified as framing, joists, planks, rafters, studs, small timbers, etc.

2.9.1.5. ROUGH LUMBER. -- Lumber that has not been dressed but which has been sawed, edged, and trimmed at least to the extent of showing saw marks in the wood on the four longitudinal surfaces of each piece for its overall length.

2.9.1.6. MATCHED LUMBER. -- Lumber that has been worked with a tongue on one edge of each piece and a groove on the opposite edge to provide a close tongue-and-groove joint by fitting two pieces in the ends also.

2.9.1.7. PATTERNED LUMBER. -- Lumber that is shaped to a pattern or a molded form, in addition to being dressed, matched, or shiplapped, or any combination of these workings.

2.9.1.8. SHIPLAPPED LUMBER. -- Lumber that has been worked or rabbeted on both edges of each piece to provide a close-lapped joint by fitting two pieces together.

2.9.1.9. GRADE. -- The commercial designation assigned to lumber meeting specifications established by a nationally recognized grade rule writing organization.

2.9.2.10. SPECIES. -- The commercial name assigned to a species of trees.

2.9.1.11. SPECIES GROUP. -- The commercial name assigned to two or more individual species having similar characteristics.

2.9.1.12. REPRESENTATION. -- A "representation" shall be construed to mean any advertisement, offering, invoice, or the like that pertains to the sale of lumber.

2.9.1.13. MINIMUM DRESSED SIZES (WIDTH AND THICKNESS). --The standardized width and thickness at which lumber is dressed when manufactured in accordance with the U.S. Department of Commerce Voluntary Product Standard 20-70, "American Softwood Lumber Standard," and regional grading rules conforming to VPS 20-70. (See Table 1.)

2.9.2. IDENTITY. -- Representations shall include a declaration of identity that specifies the grade or grades, species or species group, and whether the lumber is unseasoned (green) or dry.

2.9.3. QUANTITY. -- Representations shall be in terms of the number of pieces, the minimum dressed width and thickness, the length of individual pieces or the lineal footage, except that:

(a) the use of nominal dimensions shall be allowed when used in conjunction with the required minimum dressed sizes and actual length;

(b) with respect to all invoices, a table of minimum dressed sizes may appear on the reverse side of the invoice, so long as appropriate reference to the table is prominently and conspicuously shown on the face of the invoice.

2.10. CARPETING. -- Anyone who sells carpeting shall provide the purchaser with written statements at the time of sale giving the following information:

(a) The name and address of the manufacturer.

(b) The style name and roll number of the carpet.

(c) The generic name of the fiber and the type of backing material.

(d) The amount delivered (exact size shipped).

(e) The price per square yard if sold in inch-pound units, or the price per square meter if sold in metric units, and the total price.

[Amended 1979]
[Added 1977]

2.11. HARDWOOD LUMBER. -- Sales of hardwood lumber measured after kiln drying shall be quoted, invoiced and delivered on the basis of net board footage, with no addition of footage for kiln drying shrinkage. Sales of hardwood lumber measured prior to kiln drying shall be quoted, invoiced and delivered on the basis of net board footage before kiln drying. If the lumber is to be kiln dried at the request of the purchaser, the kiln drying charge shall be clearly shown and identified on the quotation and invoice.
[Added 1977]

Table 1. Softwood Lumber Sizes

Minimum standard dressed sizes at the time of manufacture for both unseasoned (green) and dry lumber as published by the U.S. Department of Commerce in Product Standard 20-70.

Product Classification (Nominal Size)	Minimum Dressed Sizes (See Note 2)	
	Unseasoned	Dry
Inches	Inches	Inches
Dimension Lumber		
2 X 4	1-9/16 X 3-9/16	1-1/2 X 3-1/2
2 X 6	1-9/16 X 5-5/8	1-1/2 X 5-1/2
2 X 8	1-9/16 X 7-1/2	1-1/2 X 7-1/4
2 X 10	1-9/16 X 9-1/2	1-1/2 X 9-1/4
2 X 12	1-9/16 X 11-1/2	1-1/2 X 11-1/4
(See note 1)		
Board Lumber		
1 X 4	25/32 X 3-9/16	3/4 X 3-1/2
1 X 6	25/32 X 5-5/8	3/4 X 5-1/2
1 X 8	25/32 X 7-1/2	3/4 X 7-1/4
1 X 10	25/32 X 9-1/2	3/4 X 9-1/4
1 X 12	25/32 X 11-1/2	3/4 X 11-1/4

Note 1. The dry thicknesses of nominal 3" and 4" lumber are 2-1/2" and 3-1/2"; unseasoned thicknesses are 2-9/16" and 3-9/16". Widths for these thicknesses are the same as shown above.

Note 2. Product Standard 20-70 defines dry lumber as being 19 percent or less in moisture content and unseasoned lumber as being over 19 percent moisture content. The size of lumber changes approximately 1 percent for each 4 percent change in moisture content. Lumber stabilizes at approximately 15 percent moisture content under normal use conditions.

2.12. POLYETHYLENE PRODUCTS. -- Consumer products offered and exposed for sale at retail shall be sold in terms of:

2.12.1. SHEETING AND FILM.--

(a) length and width

(b) area in square feet or square meters
[Amended 1979]

(c) thickness

(d) weight
[Added 1982]

2.12.2. FOOD WRAP. --

(a) length and width

(b) area in square feet or square meters
[Amended 1979]

2.12.3. LAWN AND TRASH BAGS. --

(a) count

(b) dimensions

(c) thickness

2.12.4. FOOD AND SANDWICH BAGS. --

(a) count

(b) dimensions

Products not intended for the retail consumer shall be offered and exposed for sale in terms of:

2.12.5. SHEETING AND FILM.--

(a) length

(b) width

(c) thickness

(d) weight

2.12.6. BAGS.--

(a) count

(b) dimensions

(c) thickness

(d) weight

2.12.7. DECLARATION OF WEIGHT.-- The labeled statement of weight for polyethylene products under sections 2.12.1., 2.12.5., and 2.16.6. shall be not less than the weight calculated by using the following formula:

$W = T \times A \times 0.03613D$, where
W = net weight in pounds
T = nominal thickness in inches
A = nominal length in inches times nominal width in inches
D = density in grams per cubic centimeter as determined by ASTM Standard D1505-68 "Standard Method of Test for Density of Plastics by the Density Gradient Technique" (or latest issue).
0.03613 is a factor for converting g/cm^3 to lb/in^3.
[Added 1982]
[Added 1977, amended 1980, 1982]

2.13. INSULATION

2.13.1. PACKAGED LOOSE FILL INSULATION. -- Packaged loose fill insulation shall be sold on the basis of coverage in square feet or square meters, the recommended installed thickness, the insulation resistance "R" value obtained, and net weight.

Example: Contents will cover 26 square feet when installed at a thickness equal to 6-1/2 inches with a resistance value of R-19. Net Weight 30 lb.

2.13.2. BATT OR ROLL-TYPE INSULATION. -- Shall be sold on the basis of coverage in square feet or square meters, the designated "R" value and the width and length of the batt or roll.

Example: Covers 26 square feet and provides a value of R-19. Roll is 12 inches wide by 26 feet long.

2.13.3. INSTALLED INSULATION. -- Installed insulation shall be sold on the basis of coverage in square feet or square meters, and the insulation resistance obtained; the seller or applicator shall provide the purchaser with an application statement.

Example of application statement: Insulation covering 120 square meters of area has been installed in conformance with manufactuerer's recommendations to provide a value of R-19.

The effective date of this regulation for insulation shall be January 1, 1980.
[Added 1979]

2.14. SOLID FUEL PRODUCTS. -- Anthracite, Semi-Anthracite, Bituminous, Semi-Bituminous, or Lignite Coal, and any other natural, manufactured or patented fuel not in liquid or gaseous form, except fireplace and stove wood, shall be offered, exposed for sale or sold by net weight when in package form.
[Added 1979]

2.15. LIQUIFIED PETROLEUM GAS CYLINDER TARE WEIGHTS -- Whenever stamped tare weights on cylinders are employed in the sale of liquified petroleum gas, the following shall apply.

2.15.1. The allowable difference between the actual tare weight and the stamped tare weight for a new or used cylinder shall be one percent of the actual tare weight. The tare weight shall include the weight of the cylinder (including paint), valve, and other permanent attachments. The weight of a protective cap shall not be included in tare or gross weights.

2.15.2. The tare weights of cylinders at a single place of business found to be in error predominantly in a direction favorable to the seller and near the allowable difference limit shall be considered to be not in conformance with these requirements.
[Added 1981]

2.16. PRECIOUS METALS

2.16.1. DEFINITIONS.--

2.16.1.1. PRECIOUS METALS.-- Gold, silver, platinum, or any item composed partly or completely of these metals or their alloys and in which the market value of the metal in the item is principally the gold, silver, or platinum component.

2.16.2. QUANTITY.-- The unit of measure and the method of sale of precious metals, if the price is based in part or wholly on a weight determination, shall be either troy weight or metric weight. When the measurement or method of sale is expressed in metric weight units, a conversion chart to troy units shall be prominantly displayed so as to facilitate price comparison. The conversion chart shall also display a table of troy weights indicating grains, pennyweights, and troy ounces.
[Added 1982]

SECTION 3. GENERAL

3.1. PRESENTATION OF PRICE. -- Whenever an advertised, posted, or labeled price per unit of weight, measure, or count for any commodity includes a fraction of a cent, all elements of the fraction shall be prominently displayed, and the numerals expressing the fraction shall be immediately

adjacent to, of the same general design and style as, and at least one-half the height and width of the numerals representing the whole cent.
[Added 1976]

3.2. ALLOWABLE DIFFERENCES: COMBINATION QUANTITY DECLARATIONS. -- Whenever the method of sale for a bulk or packaged commodity requires the use of a statement that includes count in addition to weight, measure, or size, the following shall apply to the particular commodity:
[Added 1973]

3.2.1. BEVERAGEWARE: PRESSED AND BLOWN TUMBLERS AND STEMWARE. -- The allowable difference between actual and declared capacity shall be:

(a) for inch-pound:
(1) plus or minus 1/4 fluid ounce for items of 5 fluid ounce capacity or less;

(2) plus or minus 5 percent of the stated capacity for items over 5 fluid ounce capacity.

(b) for metric:
(1) plus or minus 10 milliliters for items of 200 milliliter capacity or less;

(2) plus or minus 5 percent of the stated capacity for items over 200 milliliter capacity.

[Added 1974, amended 1979]
[Amended 1980]

3.3. MACHINE VENDED COMMODITIES. -- All vending machines dispensing packaged commodities shall indicate:

(a) product identity;

(b) net quantity;

(c) name, address and telephone number of responsible party.

The requirements for product identity and net quantity can be met either by display of the package or by information posted on the outside of the machine.
[Added 1972]

3.4. RAILROAD CAR TARE WEIGHTS. -- Whenever stenciled tare weights on freight cars are employed in the sale of commodities or the assessment of freight charges, the following conditions and requirements shall apply:

3.4.1. All newly stenciled or restenciled tare weights shall be accurately represented to the nearest 100 pounds for inch-pound units and to the nearest 50 kilograms for metric units, and the representation shall include the date of weighing.
[Amended 1979]
[Added 1973]

3.4.2. The allowable difference between actual tare weight and stenciled tare weight on freight cars in use shall be per subsection 3.4.2(a) or subsection 3.4.2(b).

(a) Inch-Pound allowable difference:

(1) plus or minus 300 pounds for cars 50 000 pounds or less;

(2) plus or minus 400 pounds for cars over 50 000 pounds to and including 60 000 pounds;

(3) plus or minus 500 pounds for cars over 60 000 pounds.

(b) Metric allowable difference:

(1) plus or minus 150 kilograms for cars 25 000 kilograms or less;

(2) plus or minus 200 kilograms for cars over 25 000 kilograms to and including 30 000 kilograms;

(3) plus or minus 250 kilograms for cars over 30 000 kilograms.

[Added 1979]

[Added 1973]

3.4.3. Tare weight determinations for verification or change of stenciled weights shall only be made on properly prepared and adequately cleaned freight cars.
[Added 1973]

3.4.4. The provisions in Section 3.4. shall be effective as of July 1, 1973, for all railroad cars stenciled or restenciled with a tare weight after that date and for all railroad cars as of January 1, 1978.
[Added 1973]

3.4.5. Tank cars, covered hopper cars, flat cars equipped with multideck racks, or special superstructure, mechanical refrigerator cars, and house-type cars equipped with special lading protective devices must be reweighed and restenciled only by owners or their authorized representatives:

(a) when car bears no lightweight (empty weight) stenciling;

(b) when repairs or alterations result in a change of weight in excess of the permissible lightweight tolerance.

[Added 1974]

SECTION 4. REVOCATION OF CONFLICTING REGULATIONS

All provisions of all orders and regulations heretofore issued on this same subject that are contrary to or inconsistent with the provisions of this regulation, and specifically _____, are hereby revoked.

SECTION 5. EFFECTIVE DATE

This regulation shall become effective on_____.

Given under my hand and the seal of my office in the City of _____, on this_____day of_____, A. D. 19___.

Signed_____

[Added 1973]

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MODEL STATE UNIT PRICING REGULATION
1971

as adopted by
The National Conference on Weights and Measures

1. BACKGROUND

The Model State Unit Pricing Regulation provides for a uniform approach to the subject for those jurisdictions choosing to adopt such a Regulation.

The traditional approach of the Conference in drafting model regulations has been to design specific implementing regulations for the enforcement of the broader requirements of the Model State Weights and Measures Law. Given the authority of Section 5.3 and the mandate of Section 9, as well as the trend in unit pricing, both voluntary and mandatory, the Regulation is considered appropriate. Unit pricing has been a traditional concern of the weights and measures official and has been required for random weight packages for a long period of time.

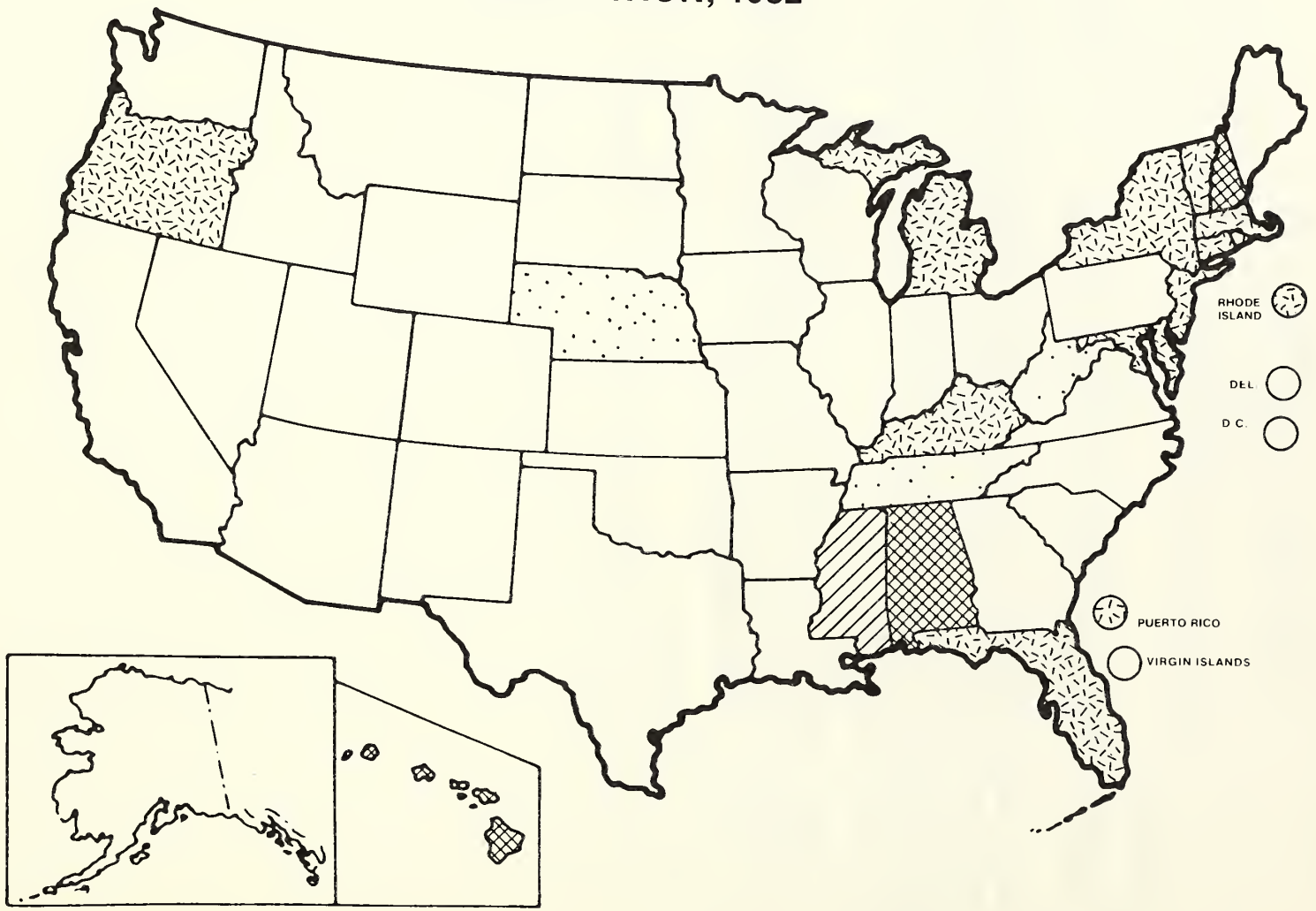
The basic approach of the Regulation is, "If you must do it, do it right," rather than "You must." The reason for this approach is to require uniformity while allowing time for comprehensive study in a system where there is a general lack of information as to the actual benefits to be derived, or as to the adverse effects, if any.

2. STATUS OF PROMULGATION

The map on the following page shows the status of promulgation of the Model State Unit Pricing Regulation.

The National Conference on Weights and Measures is sponsored by the National Bureau of Standards in partial implementation of its statutory responsibility for "cooperation with the States in securing uniformity in weights and measures laws and methods of inspection."

STATUS OF STATE ADOPTION OF UNIT PRICING REGULATION, 1982



MODEL FULLY ADOPTED (3)

MODEL ADOPTED IN PART, MODIFIED, OR USED AS GUIDELINE (1)

REGULATION IN FORCE, BUT MODEL NOT CONSIDERED (12)

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MODEL STATE UNIT PRICING REGULATION
1971

SECTION 1. APPLICATION

Except for random weight packages unit priced in accord with existing regulations and uniform weight packages of cheese and cheese products unit priced in the same manner and by the same type equipment as random weight packages, any retail establishment providing unit price information in addition to the total price, for any commodity listed herein, shall also provide the unit price information for all packaged commodities listed herein and in the manner prescribed herein.

SECTION 2. COMMODITIES

The standard of reference of all categories listed below shall be the latest edition of the "Standard Industrial Classification Manual" published by the Executive Office of the President, Office of Management and Budget

Meat, Poultry, and Seafood	Price per pound
Fruits and Vegetables	Price per pound or per individual unit, or whole unit of dry measure
Fruit and Vegetable Juices and Drinks	Price per quart
Dry Detergents, Soap Powders, and Dry Household Cleaners	Price per pound
Liquid Detergents and Household Cleaners and Disinfectants	Price per quart
Relishes and Condiments	Price per pound or quart
Liquid Soups and Condensed Liquid Soups	Price per pound or quart
Cereals	Price per pound
Candy	Price per pound
Cookies and Crackers	Price per pound
Sanitary Paper Products	Price per 50 sq ft, or, if by count, per 50 units, including ply
Foil, Film, and Other Rolls of Wrapping (except gift wrap)	Price per 50 sq ft
Cooking Oils and Shortening	Price per quart or pound
Salad Dressings	Price per quart
Soft Drinks	Price per quart
Jams, Jellies, Preserves, and Peanut Butter	Price per pound
Coffee, Tea, and Cocoa	Price per pound
Syrups, Table and Topping	Price per pound or quart
Cheese, Natural and Processed	Price per pound
Rice	Price per pound
Pet Food	Price per pound
Toothpaste	Price per ounce
Deodorants, Personal	Price per ounce
Shaving Preparations	Price per ounce
Toilet Water and Colognes	Price per ounce
Hair Preparations	Price per ounce

SECTION 3. EXEMPTION: SMALL PACKAGES

Any of the commodities listed herein shall be exempt from these provisions when packaged in quantities of less than one ounce (avoirdupois) or one fluid ounce or when the total retail price thereof is ten cents or less.

SECTION 4. EXEMPTION: SINGLE ITEM

Any of the commodities listed herein shall be exempt from these provisions when there is only one brand in only one size appearing in a particular retail establishment.

SECTION 5. PRICING

The unit price information shall be to the nearest tenth of one cent when less than one dollar and to the nearest cent when a dollar or more.

SECTION 6. PRESENTATION OF PRICE

(a) In any retail establishment in which unit price information is provided in accordance with the provisions of the Regulation, that information may be displayed by means of a sign, which offers the unit price for one or more brands and/or sizes of a given commodity, by means of a sticker, stamp, sign, label, or tag affixed to the shelf upon which the commodity is displayed, or by means of a sticker, stamp, sign, label, or tag affixed to the consumer commodity itself.

(b) Where a sign providing unit price information for one or more sizes or brands of a given commodity is used, that sign shall be provided clearly and in a nondeceptive manner in a central location as close as practical to all items to which the sign refers.

(c) If a single sign or tag does provide the unit price information for more than one brand or size of a given commodity, then the following information shall be provided:

(1) The identity and the brand name of the commodity.

(2) The quantity of the packaged commodity if more than one package size per brand is displayed.

(3) The total retail sales price.

(4) The price per appropriate unit, in accordance with SECTION 2. COMMODITIES.

SECTION 7. EFFECTIVE DATE

(a) Not less than one-third of the commodity categories listed in section 2 of this Regulation shall be unit priced by any individual retail establishment within 90 days after this Regulation, by its terms, becomes applicable to such establishment.

(b) Full compliance with this Regulation by any individual retail establishment shall be attained within 120 days after this Regulation, by its terms, becomes applicable to such establishment.

MODEL STATE REGULATION FOR THE VOLUNTARY REGISTRATION OF SERVICEPERSONS AND SERVICE AGENCIES FOR COMMERCIAL WEIGHING AND MEASURING DEVICES
1966

as adopted by
The National Conference on Weights and Measures

1. BACKGROUND

The Regulation covering the registration of servicepersons and service agencies was developed and adopted by the National Conference on Weights and Measures in 1966. It was designed to promote uniformity among those jurisdictions that provided for or were contemplating the establishment of some type of control over the servicing of commercial weighing and measuring devices. It offers to a serviceperson or to a service agency the opportunity to register which carries with it the privilege of restoring devices to service and of placing new or used devices in service.

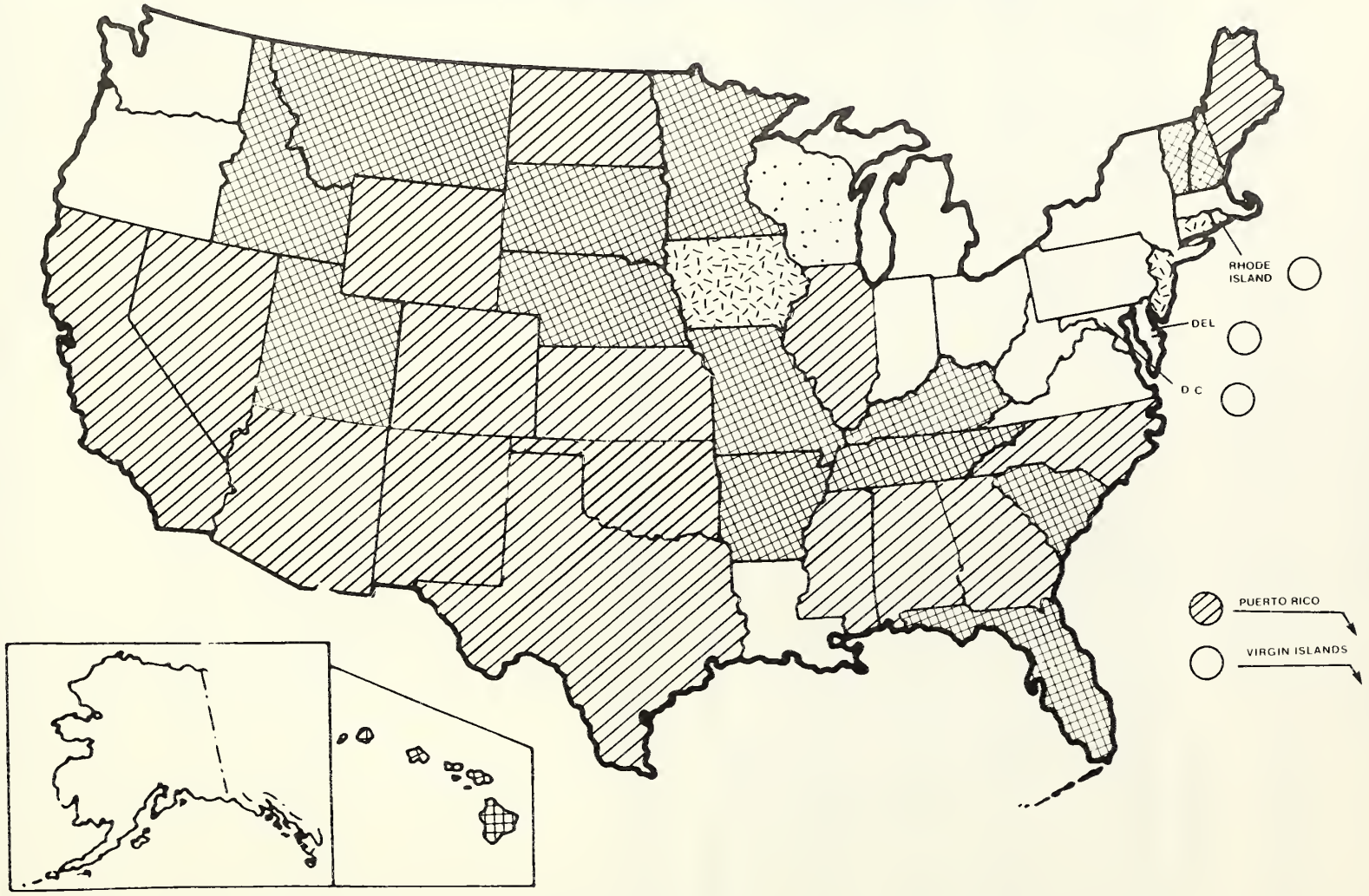
Two unique features of the registration plan are its voluntary nature and the provision for reciprocity. Registration is not required; however, the privileges gained make it attractive. Also, in order to provide maximum effectiveness of the program and to reduce to a minimum legal obstacles to service across State lines, provision is made for reciprocity among States having similar voluntary registration policies both in recognition of registered servicemen and agencies and of certification of standards and testing equipment.

2. STATUS OF PROMULGATION

The map on the following page shows the status of promulgation of the Model Regulation for the Regulation of Servicepersons and Service Agencies, based on a comparison of State laws and regulations with the Model in 1982.

The National Conference on Weights and Measures is sponsored by the National Bureau of Standards in partial implementation of its statutory responsibility for "cooperation with the States in securing uniformity in weights and measures laws and methods of inspection."

STATUS OF STATE ADOPTION OF REGISTRATION OF SERVICE PERSONS REGULATION, 1982



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MODEL STATE REGULATION FOR THE VOLUNTARY REGISTRATION OF SERVICEPERSONS AND SERVICE AGENCIES FOR COMMERCIAL WEIGHING AND MEASURING DEVICES 1966

SECTION 1. POLICY

It shall be the policy of the Director of Weights and Measures, hereinafter referred to as "Director," to accept voluntary registration of (a) an individual and (b) an agency that provided acceptable evidence that he, she, or it is fully qualified to install, service, repair, or recondition a commercial weighing or measuring device; has a thorough working knowledge of all appropriate weights and measures laws, orders, rules, and regulations; and has possession of, or available for use, weights and measures standards and testing equipment appropriate in design and adequate in amount. (An employee of government shall not be eligible for registration.)

This policy shall in no way preclude or limit the right and privilege of any qualified individual or agency not registered with the Director to install, service, repair, or recondition a commercial weighing or measuring device.

SECTION 2. DEFINITIONS

2.1. REGISTERED SERVICEPERSON. -- The term "Registered Serviceperson" shall be construed to mean any individual who for hire, award, commission, or any other payment of any kind, installs, services, repairs, or reconditions a commercial weighing or measuring device, and who voluntarily registers himself or herself as such with the Director of Weights and Measures.

2.2. REGISTERED SERVICE AGENCY. -- The term "Registered Service Agency" shall be construed to mean any agency, firm, company, or corporation which, for hire, award, commission, or any other payment of any kind, installs, services, repairs, or reconditions a commercial weighing or measuring device, and which voluntarily registers itself as such with the Director of Weights and Measures. Under agency registration, identification of individual servicepersons shall not be required.

2.3 COMMERCIAL WEIGHING AND MEASURING DEVICE. -- The term "commercial weighing and measuring device" shall be construed to include any weight or measure or weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure, and shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects, or may affect, the accuracy of the device.

SECTION 3. RECIPROCITY

The Director may enter into an informal reciprocal agreement with any other State or States that has or have similar voluntary registration policies. Under such agreement, the Registered Servicepersons and the Registered Service Agencies of the States party to the reciprocal agreement are granted full reciprocal authority, including reciprocal recognition of certification of standards and testing equipment, in all States party to such agreement.

SECTION 4. REGISTRATION FEE

There shall be charged by the Director an annual fee of $1.00 per Registered Serviceperson and $5.00 per Registered Service Agency to cover costs at

the time application for registration is made, and annually, during the month of January, thereafter.

SECTION 5. VOLUNTARY REGISTRATION

An individual or agency may apply for registration to service weighing devices or measuring devices on an application form supplied by the Director. Said form, duly signed and witnessed, shall include certification by the applicant that the individual or agency is fully qualified to install, service, repair, or recondition whatever devices for the service of which competence is being registered; has in possession, or available for use, all necessary testing equipment and standards; and has full knowledge of all appropriate weights and measures laws, orders, rules, and regulations. An applicant also shall submit appropriate evidence or references as to qualifications.

SECTION 6. CERTIFICATE OF REGISTRATION

Upon receipt and acceptance of properly executed application form, the Director shall issue to the applicant a "Certificate of Registration," including an assigned registration number, which shall remain effective until either returned by the applicant or withdrawn by the Director.

SECTION 7. PRIVILEGES OF A VOLUNTARY REGISTRANT

A bearer of a Certificate of Registration shall have the authority to remove an official rejection tag or mark placed on a weighing or measuring device by the authority of the Director; place in service, until such time as an official examination can be made, a weighing or measuring device that has been officially rejected; and place in service, until such time as an official examination can be made, a new or used weighing or measuring device.

SECTION 8. PLACED IN SERVICE REPORT

The Director shall furnish each Registered Serviceman and Registered Service Agency with a supply of report forms to be known as "Placed in Service Reports." Such a form shall be executed in triplicate, shall include the assigned registration number, and shall be signed by a Registered Serviceman or by a serviceman representing a Registered Agency for each rejected device restored to service and for each newly installed device placed in service. Within 24 hours after a device is restored to service, or placed in service, the original of the properly executed Placed in Service Report, together with any official rejection tag removed from the device, shall be mailed to the Director at ____(address)____. The duplicate copy of the report shall be handed to the owner or operator of the device, and the triplicate copy of the report shall be retained by the Registered Serviceman or Agency.

SECTION 9. STANDARDS AND TESTING EQUIPMENT

A registered Serviceperson and a Registered Service Agency shall submit, at least biennially to the Director, for examination and certification, any standards and testing equipment that are used, or are to be used, in the performance of the service and testing functions with respect to weighing and measuring devices for which competence is registered. A Registered Service-person or Agency shall not use in servicing commercial weighing or measuring devices any standards or testing equipment that have not been certified by the Director.

SECTION 10. REVOCATION OF CERTIFICATE OF REGISTRATION

The Director may, for good cause, after careful investigation and consideration, suspend or revoke a Certificate of Registration.

SECTION 11. PUBLICATION OF LISTS OR REGISTERED SERVICEPERSONS AND REGISTERED SERVICE AGENCIES

The Director shall publish, from time to time as he deems appropriate, and may supply upon request, lists of Registered Servicepersons and Registered Service Agencies.

SECTION 12. EFFECTIVE DATE

This regulation shall become effective on _____ _____.

MODEL STATE OPEN DATING REGULATION
1973

as adopted by
The National Conference on Weights and Measures

1. BACKGROUND

Numerous State and local jurisdictions have provided for, or are considering, mandatory open dating of certain packaged commodities. Additionally, many commodities in the marketplace are now voluntarily open dated. These developments result in a lack of uniformity between jurisdictions which could impede the orderly flow of commerce.

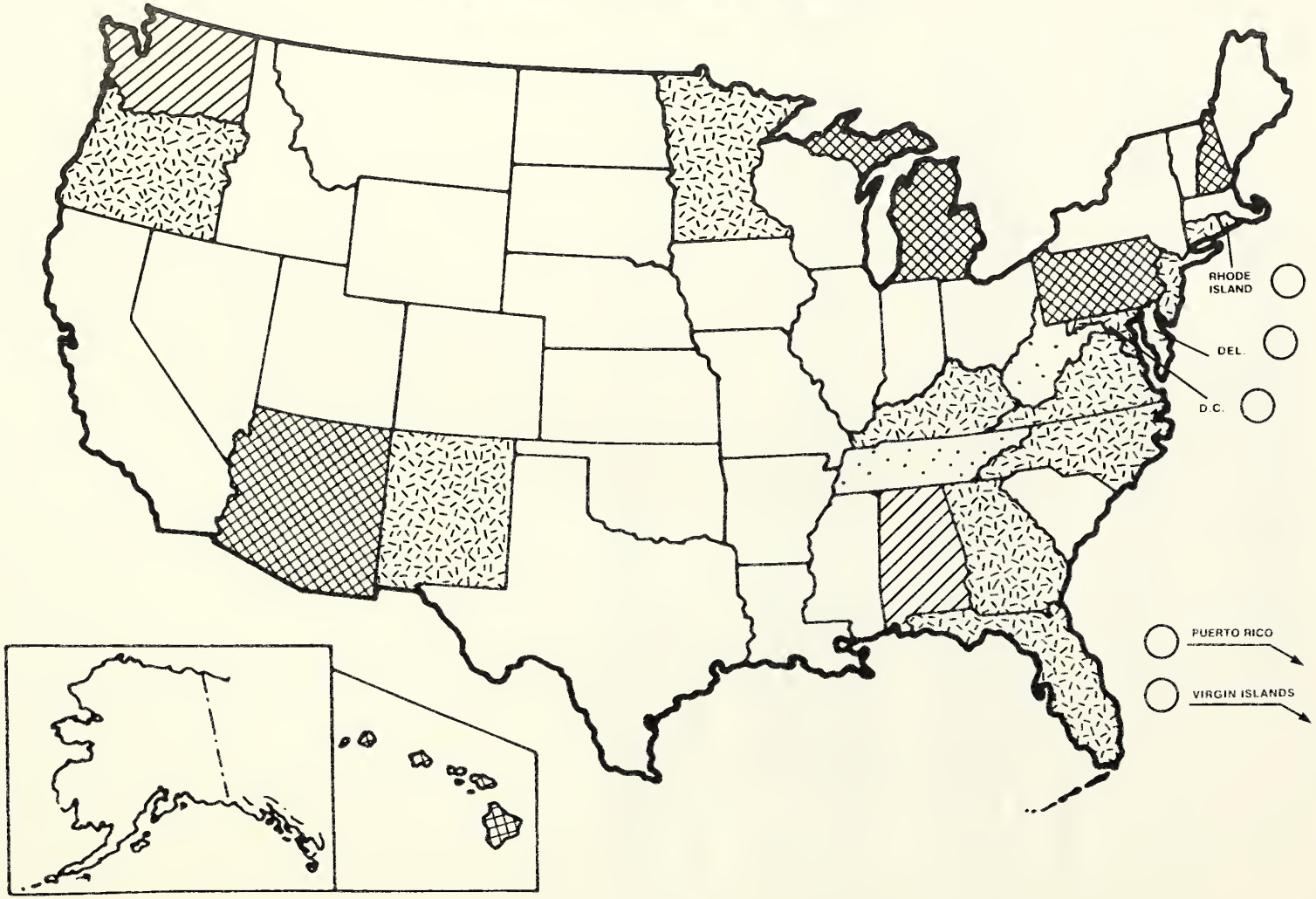
Accordingly, the National Conference on Weights and Measures has amended its Model State Weights and Measures Law to permit the adoption of open dating requirements. This Model Regulation is designed for use by both the private sector in providing voluntary open dating information and by governmental officials when it is found necessary to require the mandatory open dating of packaged commodities.

2. STATUS OF PROMULGATION

The map on the following page shows the status of promulgation of the Model State Open Dating Regulation.

The National Conference on Weights and Measures is sponsored by the National Bureau of Standards in partial implementation of its statutory responsibility for "cooperation with the States in securing uniformity in weights and measures laws and methods of inspection."

STATUS OF STATE ADOPTION OF OPEN DATING REGULATION, 1982



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MODEL STATE OPEN DATING REGULATION
1973

SECTION 1. APPLICATION

Except for packages and commodities in package form open dated in accord with existing regulations, or specifically exempted therefrom, any open dating information provided or required for any perishable and semiperishable food commodity shall provide such information in the manner prescribed herein.

SECTION 2. DEFINITIONS

2.1. FOOD COMMODITY IN PACKAGE FORM. -- The term "food commodity in package form" shall be construed to mean a food commodity put up or packaged in any manner in advance of sale in units suitable for retail sale. Where the term "food package" is used in this Regulation, it shall be construed to mean "food commodity in package form" as herein defined.

2.2. CONSUMER PACKAGE: PACKAGE OF CONSUMER COMMODITY. -- A "consumer package" or "package of consumer commodity" shall be construed to mean a food commodity form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals.

2.3. PERISHABLE, SEMIPERISHABLE FOOD COMMODITY. -- The term "perishable or semiperishable food commodity" shall mean any food commodity in package form which the manufacturer or packer determines as having a significant risk of spoilage, loss of value, or loss of palatability within 60 days of the date of packaging: Provided, That the term does not include meats, poultry seafood, and fresh produce.

2.4. PULL DATE. -- The term "pull date" means the last date on which a perishable or semiperishable food commodity should be sold without a significant risk of spoilage, loss of value, or loss of palatability, if stored by the purchaser after that date for the period and in the manner which such commodity can reasonably be expected to be stored.

SECTION 3. DATING REQUIREMENTS

No person who manufactures or packages a perishable or semiperishable food commodity in package form may distribute, or cause to be distributed for purposes of sale, such commodity unless such consumer packages are labeled to show the pull date in accordance with Sections 5, 6, and 7.

SECTION 4. COMMODITIES TO BE DATED

All perishable and semiperishable food commodities, when put up in consumer packages, are required to be dated with a pull date in accordance with this Regulation.

SECTION 5. DATE REQUIRED

The date required by this Regulation shall be construed to mean the date by which the commodity should be removed from the channel for regular sale (pull date). The date may be accompanied by a statement appropriately identifying it as a pull date by the use of such terms as "not to be sold after," "sell by," or words of similar import.

SECTION 6. MANNER OF EXPRESSING DATE

Commodities subject to this Regulation must be dated in accordance with this section. The date must show first the month and then the day of the month,

followed by the year, if used. The month must be shown by letters that clearly identify the month or by digits "1" through "12," where "1" signifies January, "2" signifies February, and so on through "12" which signifies December. The day of the month must be shown by the digits "1" through "31," to show the date within the month specified. The digits for the month must be separated from the digit or digits for the date within the month by a space, a dash, an asterisk or other symbol. Bakery products with a shelf life of 7 days or less and subject to this Regulation may be open dated with the days of the week or abbreviations of same, in lieu of the foregoing requirements, as follows:

Sunday	SU, SUN	Thursday,	TH, THU, THUR
Monday	MO, MON	Friday	FR, FRI
Tuesday	TU, TUES	Saturday	SA, SAT
Wednesday	WE, WED		

SECTION 7. PLACEMENT OF DATE

The date required or permitted by this Regulation must be placed on each package made available to purchasers. The date shall be presented in a size, manner, and style clearly and easily legible to the purchaser at the time of making or accepting a selection for purchase.

SECTION 8. PREEMPTION

No person subject to this Regulation shall be required to affix any date to any food commodity in package form except as provided for by law or regulation of the United States or by law or regulation of this State.

SECTION 9. EFFECTIVE DATE

Full compliance with this Regulation by any manufacturer or packer shall be attained within 1 year after this Regulation, by its terms, becomes applicable to such manufacturer or packer.

V. GUIDELINES AND INTERPRETATIONS

The Section titled "Guidelines and Interpretations" in previous editions will become a new handbook, "National Conference on Weights and Measures Policy and Guidelines".

*U.S. GOVERNMENT PRINTING OFFICE : 1982 0-380-997/2303

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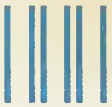

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